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No. 18]

NEW DELHI, SATURDAY, MAY 5, 1990/VAISAKHA 15, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 2 अगस्त, 1989

आयकर

Act, 1961 (43 of 1961), the Central Government hereby
notifies "Cathedral Relief Service, Calcutta" for the purpose
of the said sub-clause for the assessment year 1989-90.

[No. 8423/F. No. 197/170/89-IT(A1)]

(आयकर)

का.आ.1198 :—आयकर अधिनियम, 1961 (1961 का
43) की धारा 10 के खंड (23-ग) के उपखंड (iv)
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार
एतद्वारा "कैथेड्रल रिलीफ सर्विस, कलकत्ता" को उक्त उप-
खंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए
अधिसूचित करती है।

[सं. 8423/फा.सं. 197/170/89-आ.कर. (नि. 1]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 2nd August, 1989

(INCOME-TAX)

S.O. 1198.—In exercise of the powers conferred by sub-
clause (iv) of clause (23C) of section 10 of the Income-tax

का.आ. 1199 :—आयकर अधिनियम, 1961 (1961 का
43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा
प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा
"मेडिकल रिसर्च फाउण्डेशन, मद्रास" को उक्त उपखंड के
प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित
करती है।

[सं. 8425/फा.सं. 197/181/88-आ.कर. (नि. 1]

(INCOME-TAX)

S.O. 1199.—In exercise of the powers conferred by sub-
clause (iv) of clause (23C) of section 10 of the Income Tax
Act, 1961 (43 of 1961), the Central Government hereby
notifies the "Medical Research Foundation, Madras" for
the purpose of the said sub-clause for the assessment year
1989-90.

[No. 8425/F. No. 197/181/88-IT(A1)]

नई दिल्ली, 27 अक्टूबर, 1989

(आयकर)

का.आ. 1200 आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा "इन्दिरा गांधी नेशनल सेन्टर फार आर्ट" नई दिल्ली को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8479/फा.सं. 197/39/89-आ.कर (नि.1)]

New Delhi, the 27th October, 1989

(INCOME-TAX)

S.O. 1200.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indira Gandhi National Centre for Art", New Delhi for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8479/F. 197/39/89-IT(A1)]

नई दिल्ली, 31 अक्टूबर, 1989

(आयकर)

का.आ. 1201—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा "दि राजस्थान पुलिस पर्सनल वेलफेयर ट्रस्ट, जयपुर" उक्त को उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8480/फा.सं. 197/204/89-आ.कर (नि. 1)]

New Delhi, the 31st October, 1989

(INCOME-TAX)

S.O. 1201.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Rajasthan Police Personnel Welfare Trust, Jaipur" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8480/F. No. 197/204/89-IT(A1)]

नई दिल्ली, 2 नवम्बर, 1989

(आयकर)

का.आ. 1202:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सरकार एतद् द्वारा "श्री गाडगे महाराज मिशन, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8482/फा.सं. 197/203/89-आय कर (नि.1)]

New Delhi, the 2nd November, 1989

(INCOME-TAX)

S.O. 1202.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shree Gadage Maharaj Mission, Bmabay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8482/F. No. 197/203/89-IT(A1)]

(आयकर)

का.आ. 1203:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा "दि इंडिया स्पॉन्सरशिप कमिटी, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 और 1989-90 के लिए अधिसूचित करती है।

[सं. 8483/फा.सं. 197/217/89-आयकर (नि.-1)]

(INCOME-TAX)

S.O. 1203.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The India Sponsorship Committee, Bombay" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8433/F. No. 197/217/89-IT(A1)]

(आयकर)

का.आ. :-1204 आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा "श्री नासिक पंचवटी पंजारापोल, नासिक" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8485/फा.सं. 197/106/89-आयकर(नि.-1)]

(INCOME-TAX)

S.O. 1204.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shree Nasik Panchavati Panjarapol, Nasik" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8485/F. No. 197/206/89-IT(A1)]

(आयकर)

का.आ. 1205 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा "राष्ट्रीय डेयरी विकास बोर्ड, आनन्द बड़ोदा" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1987-88 और 1988-89 के लिए अधिसूचित करती है।

[सं. 8488/फा.सं. 197/125/89-आयकर(नि.-1)]

(INCOME-TAX)

New Delhi, the 24th November, 1989

S.O. 1205.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Dairy Development Board, Anand, Baroda" for the purpose of the said sub-clause for the assessment years 1987-88 and 1988-89.

[No. 8488/F. No. 197/125/89-IT(A1)]

(आयकर)

का.आ. 1206:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री सद्गुरु सेवा संघ ट्रस्ट, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8489/फा.सं. 197/181/89-आयकर (नि.-1)]

(INCOME-TAX)

S.O. 1206.—In exercise of the powers conferred by sub-clause (iv) of Clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Sadguru Seva Sangh Trust, Bombay", for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8489/F. No. 197/181/89-IT(A1)]

नई दिल्ली, 9 नवम्बर, 1989

(आयकर)

का.आ. 1207:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "चिल्ड्रन्स फिल्म सोसायटी, इंडिया", बम्बई को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8491/फा.सं. 197/70/89-आयकर (नि.-1)]

New Delhi, the 9th November, 1989

(INCOME-TAX)

S.O. 1207.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Children's Film Society, India", Bombay for the purpose of the said sub-clause for the period covered by the assessment years 1987-88 to 1989-90.

[No. 8491/F. No. 197/70/89-IT(A1)]

नई दिल्ली, 24 नवम्बर, 1989

(आयकर)

का.आ. 1208:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि भारतीय भाषा परिषद, कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8493/फा.सं. 197/195/89-आयकर (नि.-1)]

(INCOME-TAX)

S.O. 1208.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Bharatiya Bhasha Parishad, Calcutta" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8493/F. No. 197/195/89-IT(A1)]

(आयकर)

का.आ. 1209:—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "राजा राम मोहन राय लाइब्रेरी फाउंडेशन, कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8497/फा.सं. 197/210/89-आयकर(नि. 1)]

(INCOME-TAX)

S.O. 1209.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Raja Ram Mohan Roy Library Foundation, Calcutta" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8497/F. No. 197/210/89-IT(A1)]

(आयकर)

का.आ. 1210:—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "थियोसोफी कम्पनी (इंडिया) प्रा. लि." को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8498/फा. सं. 197/93/89-आयकर (नि. 1)]

[No. 8498/F. No. 197/93/89-IT(A1)]

S.O. 1210.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Theosophy Company (India) Private Ltd." for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8498/F. No. 197/93/89-IT(A1)]

(आयकर)

का.आ. 1211:—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि एन ए बी -नाथन्स होम फार एजिंग ब्लाईंड, खंडाला जिला पुणे" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8499/फा.सं. 197/216/89-आ.कर (नि. 1)]

(INCOME-TAX)

S.O. 1211.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government, hereby notifies "The NAB-Lions Home for Aging Blind, Khandala, Distt. Pune" for the purpose of the said sub-clause for the assessment year 1989-90.

[8499/F. No. 197/216/89-IT(AI)]

(आयकर)

का.आ. 1212 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि एसोसिएशन आफ दि फिजीकली हैंडीकैप्ड ट्रेनिंग सेंटर" बंगलौर -560084 को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण 1986-87 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8500/फा.सं. 197/132/85-आ.कर (नि.-1)]

(INCOME-TAX)

S.O. 1212.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Association of the Physically Handicapped Training Centre" Bangalore-500084, for the purpose of the said sub-clause for the assessment years 1986-87 to 1989-90.

[No. 8500/F. No. 197/132/85-IT(AI)]

नई दिल्ली, 27 नवम्बर, 1989

(आयकर)

का.आ. 1213 :—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अखिल बंगाल महिला संघ, कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8501/फा. सं. 197/224/89-आ.कर (नि.-1)]

New Delhi, the 27th November, 1989

(INCOME-TAX)

S.O. 1213.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "All Bengal Women's Union Calcutta" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8501/F. No. 197/224/89-IT(AI)]

(आयकर)

का.आ. 1214 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "वेस्ट बंगाल काउंसिल फार चाइल्ड वेलफेयर,

कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1988-89 एवं 1989-90 के लिए अधिसूचित करती है।

[सं. 8502/फा. सं. 197/179/89-आ.कर (नि. 1)]

(INCOME TAX)

S.O. 1214.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "West Bengal Council for Child Welfare, Calcutta" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8502/F. No. 197/179/89-IT(AI)]

(आयकर)

का.आ. 1215 आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "स्पेस्टिक्स सोसाइटी ऑफ ईस्टर्न इंडिया, कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8503 (फा.सं. 197/173/89-आ.कर (नि. 1))]

(INCOME-TAX)

S.O. 1215.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Spastics Society of Eastern India, Calcutta" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8503/F. No. 197/178/89-IT(AI)]

(आयकर)

का.आ. 1216:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "डिफेंस मित्रिलियन्स वेलफेयर (टी.बी, कैंसर एवं कुष्ठ रोग) फंड" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8504/फा. सं. 197/169/89-आ.कर (नि.-1)]

(INCOME-TAX)

S.O. 1216.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Defence Civilians Welfare (TB, Cancer & Leprosy) Fund" New Delhi for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8504/F. No. 197/169/89-IT(AI)]

(आयकर)

का.आ. 1217 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारत सेवाश्रम संघ, कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8505/फा. सं. 197/213/89-आ.कर (नि.-1)]

(INCOME-TAX)

New Delhi, the 30th November, 1989

S.O. 1217.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bharat Sevashram Sangh, Calcutta" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8505/F. No. 197/213/89-IT(A.I)]

(आयकर)

का.आ. 1218 :—आयकर अधिनियम 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बाला मंदिर कामराज ट्रस्ट (रजि.), मद्रास" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8506/फा.सं. 197/53/89-आ.कर (नि. 1)]

(INCOME-TAX)

S.O. 1218.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bala Mandir Kamaraj Trust (Regd.), Madras" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8506/F. No. 197/53/89-IT(A.I)]

(आयकर)

का.आ. 1219.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भागिनी समाज, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8507/फा.सं. 197/61/89-आ.कर (नि. 1)]

(INCOME-TAX)

S.O. 1219.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bhagini Samaj, Bombay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8507/F. No. 197/61/89-IT(A.I)]

नई दिल्ली, 30 नवम्बर, 1989

(आयकर)

का.आ. 1220 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बम्बई नेचुरल हिस्ट्री सोसायटी, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1988-89 तथा 1989-90 के लिए अधिसूचित करती है।

[सं. 8517/फा.सं. 197/124/89-आ.कर (नि. 1)]

(INCOME-TAX)

S.O. 1220.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Bombay Natural History Society, Bombay" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8517/F. No. 197/124/89-IT(A.I)]

(आयकर)

का.आ. 1221 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बिहार स्कूल ऑफ योग, मुंगेर" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8518/फा.सं. 197/241/89-आ.कर (नि. 1)]

(INCOME-TAX)

S.O. 1221.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Bihar School of Yoga, Munger" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8518/F. No. 197/241/89-IT(A.I)]

(आयकर)

का.आ. 1222 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि स्टॉक एक्सचेंज, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1987-88 से 1989-90 के लिए अधिसूचित करती है।

[सं. 8519/फा.सं. 197/166/87-आ.कर (नि. 1)]

(INCOME-TAX)

S.O. 1222.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Stock Exchange, Bombay" for the purpose of the said sub-clause for the assessment years 1987-88 to 1989-90.

[No. 8519/F. No. 197/166/87-IT(A.I)]

आयकर

का.आ. 1223 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "फिरोजशाह मोदरेज फाउंडेशन, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8520/फा.सं. 197/18/89-आ.कर (नि. 1)]

(INCOME-TAX)

New Delhi, the 8th December, 1989

(INCOME-TAX)

S.O. 1223.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Phidojsha Godrej Foundation, Bombay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8520/F. No. 197/18/89-IT (A.1)]

(आयकर)

का. आ. 1224.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "साउथ जोन कल्चरल सेन्टर, थानजावुर, तमिलनाडु" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8521/फा. सं. 197/22/89-आ. कर (नि. 1)]

(INCOME-TAX)

S.O. 1224.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "South Zone Cultural Centre, Thanjavur, Tamil Nadu" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8521/F. No. 197/22/89-IT (A. 1)]

(आयकर)

का. आ. 1225.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि अश्वीय बेसन्ट ट्रस्ट मद्रास" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8522/फा. सं. 197/26/89-आ. कर (नि. 1)]

(INCOME-TAX)

S.O. 1225.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Annie Besant Trust, Madras" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8522/F. No. 197/26/89-IT (A.1)]

नई दिल्ली, 8 दिसंबर, 1989

(आयकर)

का. आ. 1226.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि ट्रिब्यून ट्रस्ट चंडीगढ़" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1984-85 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8527/फा. सं. 197/117/89-आ. कर (नि. 1)]

S.O. 1226.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Tribune Trust, Chandigarh, for the purpose of the said sub-clause for the assessment years 1984-85 to 1989-90.

[No. 8527/F. No. 197/117/89-IT (A. 1)]

नई दिल्ली, 11 दिसंबर, 1989

(आयकर)

का. आ. 1227.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री कृष्णसोपान आयुर्वेद भवन धर्मार्थ औषधालय) कलेड़ा अजमेर" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8530/फा. सं. 197/129/89-आ. कर (नि.)]

New Delhi, the 11th December, 1989

(INCOME-TAX)

S.O. 1227.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Krishnagopal Ayurved Bhavan (Dharmarth Aushdhlaya) Kalera, Ajmer, for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8530/F. No. 197/129/89-IT (A.1)]

(आयकर)

का. आ. 1228.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि म्यूजिक ऐकेडेमी मद्रास" को उक्त उपखंड के प्रयोजनार्थ और निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8531/फा. सं. 197/251/89-आ. कर (नि.)]

(INCOME-TAX)

S.O. 1228.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Music Academy, Madras" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8531/F. No. 197/251/89-IT (A. 1)]

नई दिल्ली, 21 दिसंबर, 1989

(आयकर)

का. आ. 1229.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "हरिजन मेमक संघ (बंगाल) हावड़ा" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1987-88 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8537/फा. सं. 197/249/89-आ. कर (नि. 1)]

New Delhi, the 21st December, 1989

(INCOME TAX)

S. O. 1229.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Harijan Sevak Sangh (Bengal), Howrah" for the purpose of the said sub-clause for the assessment years 1987-88 to 1989-90.

[No. 8537/F. No. 197/249/89-IT (A. I)]

(आयकर)

का.आ. 1230.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "महाराष्ट्र गांधी स्मारक निधि, पुणे" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1985-86 से 1989-90 के लिए अधिसूचित करती है।

[सं. 8538/फा. सं. 197/250/89-आय कर (नि.)]

(INCOME-TAX)

S.O. 1230.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Maharashtra Gandhi Smarak Nidhi, Pune" for the purpose of the said sub-clause for the assessment year 1985-86 to 1989-90.

[No. 8538/F. No. 197/250/89-IT (A. I)]

(आयकर)

का.आ. 1231.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नवजबाई रतन टाटा ट्रस्ट बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1986-87 से 1989-90 के लिए अधिसूचित करती है।

[सं. 8539/फा. सं. 197/95/85-आयकर (नि. 1)]

(INCOME-TAX)

S.O. 1231.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Navajbai Ratan Tata Trust" Bombay for the purpose of the said sub-clause for the assessment years, 1986-87 to 1989-90.

[No. 8539/F. No. 197/95/85-IT (A. I)]

(आयकर)

का. आ. 1232.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "एशियन इंस्टीट्यूट ऑफ ट्रांसपोर्ट डिवेलपमेंट" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए अधिसूचित करती है।

[सं. 8540/फा. सं. 197/259/89-आ. कर (नि. 1)]

(INCOME-TAX)

S.O. 1232. In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Asian Institute of Transport Development" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93.

[No. 8540/F. No. 197/259/89-IT (A. I)]

नई दिल्ली, 29 दिसम्बर, 1989

(आयकर)

का.आ. 1233.—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सर रतन टाटा ट्रस्ट, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8541/फा. सं. 197/25/89-आ. कर (नि.-1)]

New Delhi, the 29th December, 1989

(INCOME-TAX)

S.O. 1233.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sir Ratan Tata Trust, Bombay", for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8541/F. No. 197/25/89-IT (A. I)]

नई दिल्ली, 1 जनवरी, 1990

आयकर

का.आ. 1234.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गुजरात स्टेट सीड सर्टीफिकेशन एजेंसी, अहमदाबाद" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1987-88 से 1989-90 के लिए अधिसूचित करती है।

[सं. 8543/फा. सं. 197/301/87-आ. कर (नि-1)]

New Delhi, the 1st January, 1990

(INCOME-TAX)

S.O. 1234.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Gujarat State Seed Certification Agency, Ahmedabad" for the purpose of the said sub-clause for the assessment years 1987-88 to 1989-90.

[No. 8543/F. No. 197/301/87-IT (A. I)]

(आयकर)

का. आ. 1235.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "लेडी टाटा मेमोरियल ट्रस्ट, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8544/फा. सं. 197/98/89-आ. कर (नि. 1)]

(INCOME TAX)

S.O. 1235.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Lady Tata Memorial Trust, Bombay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8544/F. No. 197/98/89-IT (AI)]

नई दिल्ली, 9 जनवरी, 1990

(आयकर)

का. आ. 1236.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 'सर हारमसुजी नोरोजी मोदी (हांगकांग) एवं लेडी मानेकबाई मोदी चैरिटी ट्रस्ट, बम्बई' को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 एवं 1989-90 के लिए अधिसूचित करती है।

[सं. 8546/फा. सं. 197/9/87-आ. कर (नि. 1)]

New Delhi, the 9th January, 1990

(INCOME-TAX)

S.O. 1236.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sir Hormusji Nowroji Mody (of Hong Kong) and Lady Manekbai Mody Charity Trust, Bombay" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8546/F. No. 197/9/87-IT (AI)]

नई दिल्ली, 18 जनवरी, 1990

(आयकर)

का. आ. 1237.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारतीय संसदीय दल" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1990-91 से 1992-93 के लिए अधिसूचित करती है।

[सं. 8550/फा. सं. 197/187/88-आ. कर (नि. -1)]

New Delhi, the 18th January, 1990

(INCOME-TAX)

S.O. 1237.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indian Parliamentary Group" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93.

[No. 8550/F. No. 197/187/88-IT (AI)]

(आयकर)

का. आ. 1238.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय

सरकार एतद्वारा "फ्रेंड्स ऑफ मोरल रे आर्मामेंट (इंडिया), पंचगानी, महाराष्ट्र" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8551/फा. सं. 197/52/89-आ. कर (नि. 1)]

(INCOME-TAX)

S.O. 1238.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Friends of Moral Re-Armament (India), Panchgani, Maharashtra", for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8551/F. No. 197/52/89-IT (AI)]

नई दिल्ली, 29 जनवरी, 1990

(आयकर)

का. आ. 1239.—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "असम शहीदों तथा पीड़ितों के लिए सहायता ट्रस्ट, गुवाहाटी" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1986-87 से 1989-90 के लिए अधिसूचित करती है।

[सं. 8555/फा. सं. 197/72/88-आयकर (नि-1)]

New Delhi, the 29th January, 1990

(INCOME-TAX)

S.O. 1239.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Assam Martyrs and Victims Aid Trust, Guwahati" for the purpose of the said sub-clause for the assessment years 1986-87 to 1989-90.

[No. 8555/F. No. 197/72/88-IT (AI)]

(आयकर)

का. आ. 1240.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "किंग जार्ज V मेमोरियल, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8556/फा. सं. 197/135/89-आयकर (नि-1)]

(INCOME-TAX)

S.O. 1240.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "King George V Memorial Bombay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8556/F. No. 197/135/89-IT (AI)]

(आयकर)

का. आ. 1242.—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार

एतद्वारा "मारवाड़ी रिलीफ सोसायटी, कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिए अधिसूचित करती है।

[सं. 8557/फा. सं. 197/232/89-आयकर (नि.1)]

(INCOME-TAX)

S.O. 1241.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Marwari Relief Society, Calcutta" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8557/F. No. 197/232/89-IT (AI)]

(आयकर)

फा. आ. 1242.—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "डिवीन लाइट ट्रस्ट फॉर दि ब्लाईन्ड", बंगलौर को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8558/फा. सं. 197/140/89-आयकर (नि-1)]

(INCOME-TAX)

S.O. 1242.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Divine Light Trust for the Blind, Bangalore" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8558/F. No. 197/140/89-IT (AI)]

नई दिल्ली, 31 जनवरी, 1990

(आयकर)

फा. आ. 1243.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि जे. आर. डी. टाटा ट्रस्ट्स, बम्बई" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8562/फा. सं. 197/5/90-आ. कर (नि-1)]

New Delhi, the 31st January, 1990

(INCOME-TAX)

S.O. 1243.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The J.R.D. Tata Trust, Bombay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8562/F. No. 197/5/90-IT (AI)]

नई दिल्ली, 8 फरवरी, 1990

(आयकर)

फा. आ. 1241.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा

1983 GI/20-2

द्वारा रामाना महाश्वरि गेस्टर फार लर्निंग बंगलौर को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिए अधिसूचित करती है।

[सं. 8566/फा. सं. 197/252/89-आ. कर (नि.1)]

New Delhi, the 8th February, 1990

(INCOME-TAX)

S.O. 1244.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Ramana Maharshi Centre for Learning, Bangalore" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8566/F. No. 197/252/89-IT (AI)]

(आयकर)

फा. आ. 1245.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "युग निर्माण योजना, गायत्री तपोभूमि," मथुरा (उ.प्र.) को उक्त उप-खण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिए अधिसूचित करती है।

[सं. 8567/फा. सं. 197/240/89-आयकर (नि.-1)]

(INCOME-TAX)

S.O. 1245.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Yug Nirman Yojna, Gayatri Tapobhumi" Mathura (U.P.) for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8567/F. No. 197/240/89-IT (AI)]

(आयकर)

फा. आ. 1246.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उप खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "तमिलनाडु एक्स सर्विसेस पर्सोनल बेंच-बेनेवोलेंट फंड" को उक्त उपखण्ड के प्रयोजनार्थ कर निर्धारण वर्ष 1988-89 तथा 1989-90 के लिए अधिसूचित करती है।

[सं. 8568/फा सं 197/167/86-आ. कर (नि.-1)]

(INCOME-TAX)

S.O. 1246.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act 1961 (43 of 1961), the Central Government hereby notifies "Tamilnadu Ex-Services Personnel Benevolent Fund" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8568/F. No. 197/167/86-IT (AD)]

नई दिल्ली, 13 फरवरी, 1990

(आयकर)

क्रा० आ०— 1247 — आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड 23-ग के उपखंड ii द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "स्वामी नारायण अक्षरपीठ" अहमदाबाद को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

सं० 8576/फा० सं० 197/13/90-आ० कर (नि०-1)

दलीप सिंह, विशेष कार्य अधिकारी

New Delhi, the 13th February, 1990

(INCOME-TAX)

S.O. 1247.—In exercise of the powers conferred by sub-clause (iv) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Swaminarayan Aksharpieth, Ahmedabad" for the purpose of the said sub-clause for the assessment year, 1989-90.

[No. 8576/F. No. 197/13/90-IT (AI)]

DALIP SINGH, Officer on Special Duty

नई दिल्ली, 19 मार्च, 1990

(आयकर)

क्रा.आ. 1248:—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 (पैतीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर 'संघ' प्रवर्ग के अधीन अनुमोदित किया गया है।

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली -110016 को भेजेगा।
- (iii) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, शास्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(iv) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक, (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

फिजिकल रिसर्च लैबोरेटरी नवरंग पूरा, अहमदाबाद—
380009

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 166/फा. सं. डी.जी./जी-04/कल./35(1)(ii)/89-
आ. कर (छूट)]

(INCOME-TAX)

S.O. 1248 —It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I. T. Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research, for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual account showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

Physical Research Laboratory,
Navrangpura, Ahmedabad-380009.
India.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 166/F. No. DG/G-27/Cal./35(1)(ii)/89-IT(E)]

(आयकर)

का.आ. 1249 :—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैतीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ"/प्रवर्ग के अधीन अनुमोदित किया गया है।

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (iii) यह प्रत्येक वर्ष की 30 जून तक, लेखा परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक, (छूट), जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (iv) अनुमोदन की अवधि बढ़ाने के लिये यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदनपत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

इन्स्ट्र्यूट फार डिजाइन ऑफ इलेक्ट्रिकल मेजरिंग इन्स्ट्रुमेंट, स्वातंत्र्य टोपे मार्ग चीना भट्टी सॉयल, पो.आ. बम्बई - 400022

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 167(फा. सं. डी. जी./एम.-83/कल./35(1) (ii)/89-आ. कर (छूट)]

(INCOME-TAX)

S.O. 1249—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I. T. Exemptions) in concurrence with the Secretary, Department of Scientific

and Industrial Research, for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

Institute for Design of Electrical Measuring, Instruments, Swatantryaveertaya Tope Marg, Chinnabhattislon, P. O. Bombay-400022

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 167/F. No. DG/M-83/Cal/35(1)(ii)/89-IT(E)]

(आयकर)

का.आ. 1250 :—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35 (पैतीस, एक/दो) की उपधारा (1) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली 110016 को भेजेगा।
- (iii) यह प्रत्येक वर्ष की 30 जून तक, लेखा परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक

निक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(आयकर)

- (iv) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

माहीको रिसर्च फाउन्डेशन, 19, राजमहल 84, वीर नरमण मार्ग, बम्बई - 400031

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिए प्रभावी है।

[सं. 168/फा. सं. डी. जी./एम.-90/कल./35 (1)(ii)/89-आय. कर (छूट)]

(INCOME-TAX)

S.O. 1250—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I. T. Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

Mahyco Research Foundations, 19, Rajmahal, 84, Veer Nariman Road, Bombay-400021.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 168/F. No. DG/M-90/Cal/35(1)(ii)/89-IT(E)]

का.आ. 1251 :—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35 (पैंतीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर 'विश्वविद्यालय' प्रवर्ग के अधीन अनुमोदित किया गया है।

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये अलग लेखा रखेगा।

- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष की 31 मई तक, सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।

- (iii) यह प्रत्येक वर्ष की 30 जून तक लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है को प्रस्तुत करेगा।

- (iv) अनुमोदन की अवधि बढ़ाने के लिये यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को भी प्रस्तुत करेगा।

संगठन का नाम

यूनिवर्सिटी ऑफ बम्बई (यूनिवर्सिटी डिपार्टमेंट ऑफ केमिकल टेक्नालॉजी) महात्मा गांधी मार्ग, बम्बई-400032

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 169/फा. सं. डी. जी./एम.-91/कल./35(1)(ii)/89-आ. कर (छूट)]

(INCOME-TAX)

S.O. 1251—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I. T. Exemptions)

in concurrence with the Secretary, Department of Scientific and Industrial Research, for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "University" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

University of Bombay,
(University Department of Chemical Technology),
Mahatma Gandhi Road, Bombay-400032.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 169]F. No. DG[M-91/Ca]35(1)(ii)[89-IT(E)]

कलकत्ता, 20 मार्च, 1990

आयकर

का.आ. 1252 :-सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 (पैतीम, एक/तीन) की उपधारा (1) के खण्ड (iii) के लिये, सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (iii) यह प्रत्येक वर्ष की 30 जून तक लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञा-

निक व औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

- (iv) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को भी प्रस्तुत करेगा।

संगठन का नाम

गान्धीयन इन्स्टिट्यूट ऑफ स्टडीज पो. बाक्स नं.-1116
राजघाट, बाराणसी-221001 (उत्तर प्रदेश)

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 170/फा. सं. डी.जी./यू.पी.-3/कल./35 (1)
(iii) 89/आ. कर (छूट)]

Calcutta, the 20th March, 1980

(INCOME-TAX)

S.O. 1252—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I. T. Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research, for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/one/three) of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

(INCOME-TAX)

Gandhian Institute of Studies,
Post Box No. 1116,
Rajghat, Varanasi-221001,
Uttar Pradesh.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 170/F. No. DG/UP-3/Cal/35(1)(iii)/89-IT(E)]

(आयकर)

का. आ. 1253:—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैतीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर “संच” प्रवर्ग के अधीन अनुमोदित किया गया है।

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (iii) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (iv) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

हरिलाल जयचंद घोसी मेडिकल रिसर्च फाउण्डेशन लाल-परी लेक मार्ग, राजकोट -360004 (गुजरात)

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 171/फा. सं. डी.जी./जी.-26/कल./35 (1)
(ii)/89-मा० कर (छूट)]

S.O. 1253.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e. the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category “Association” subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Harilal Jechand Doshi Medical Research Foundation,
Lalpari Lake Road, Rajkot-360004 (Gujarat),

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 171/F. No. DG/G-26/Cal/35(1)(ii)/89-IT(E)]

(आयकर)

का.आ. 1254:—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 (पैतीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर “संच” प्रवर्ग के अधीन अनुमोदित किया गया है।

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।

(iii) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक, (आयकर छूट), (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(iv) अनुमोदन की अवधि बढ़ाने के लिये यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

सिरम इन्स्टिट्यूट आफ इण्डिया रिसर्च फाउण्डेशन सरोश भवन, 16/1, डा. अम्बेडकर भवन, पुणे-411001

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है

[सं. 172/फा. सं. डीजीएम-41/कल./35 (I) (ii)/89-आ. कर (छूट)]

(INCOME-TAX)

S.O 1254.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three

months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Serum Institute of India Research Foundation,
Sarosh Bhavan,
16/B/1, Dr. Ambedkar Bhavan,
Pune-411001.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 172/F. No. DG/M-41/Cal/35(1)(ii)[89-JT(E)]

(आयकर)

का.आ. 1255.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 (पैंतीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रवर्ग के अधीन अनुमोदित किया गया है।

(i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।

(iii) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(iv) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्टर फार स्टडी ऑफ मैन एण्ड एनवायरॉनमेंट डिपार्ट-
मेंट ऑफ ज्यूलॉजी प्रेसिडेन्सी कॉलेज, कलकत्ता-700073.

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की
अवधि के लिये प्रभावी है।

[सं 173/फा० सं० डी०जी०इन्ड्यू०रि०-26/कन०/35/(I)ii/
89-आ० कर (छूट)]

(INCOME-TAX)

S.O. 1255—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e. the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research for the purposes of clause (ii) of sub-section (1) of section 35 (Thirty Five/one/three) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:—

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Center for Study of Man and Environment,

Deptt. of Geology, Presidency College,
Calcutta-700073.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 173/F. No. DG/WB-26/Cal/35(1)(ii)/89-IT(E)]

(आयकर)

का.आ. 1256.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिभूषित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 (पैलीस/एक/थो) की उपधारा (i) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर

नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रवर्ग के अधीन अनुमोदित किया गया है :

- (i) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के एक अलग लेखा रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा।
- (iii) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (iv) अनुमोदन की अवधि बढ़ाने के लिये, वह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में वेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र को 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्टरल मेसिन टूल इन्स्टिट्यूट टुमकर मांग, बंगलौर-
560022

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की
अवधि के लिए प्रभावी है।

[सं. 174 / फ.सं. डी.जी./के/टी-19/कल./35 (ii)
89-आ. कर (छूट)]

(INCOME-TAX)

S.O. 1256.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research, for the purposes of clause (ii) of Sub-section (1) of section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.

- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

Central Machine Tool Institute,
Tumkar Road,
Bangalore-560022.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 174/F. No. DG/KT-19/Cal/35(1)(ii)[89-IT(E)]

कलकत्ता, 23 मार्च, 1990

(आयकर)

का.आ. 1257.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35 (पैतीस/एक/तीन) की उपधारा (1) के खण्ड (iii) के बिम्बे, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी यर्वात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था"/प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक आयकर छूट (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, प्रस्तुत करेगा।

- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता की तृतीयांश प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदनपत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

श्री सोहन लाज जैन, विद्या प्रसारक समित, 20/6, मथुरा मार्ग, फरीदाबाद 121006

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 175/फा.सं. डी.जी./एच-2/कल./35 (i) (iii)/89/आ.कर (छूट)]

Calcutta the, 23rd March, 1990

(INCOME-TAX)

S.O. 1257.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research, for the purposes of clause (iii) of Sub-section (1) of section 35 (Thirty Five/one/three) of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

Shri Sohanlal Jain Vidya Prasarak Samiti,
20/6, Mathura Road,
Faridabad-121006.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 175/F. No. DG/H-2/Cal/35(1)(iii)[89-IT(E)]

(आयकर)

का.आ. 1258.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैतीस/एक/दो/तीन) की उपधारा (1) के खंड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की समिति से, आयकर अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर “संस्था”/प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिए एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखापरीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों 9 विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (4) अनुमोदन की अवधि बढ़ाने के लिए, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा? यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

संगीत रिसर्च एकाडमी,

1, नेताजी सुभाष चन्द्र बोस मार्ग,
टॉलीगंज, कलकत्ता-700040

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 176 /फा.सं. डी.जी./डब्ल्यू.बी-27/कल./35(1)
(ii)/90/आयकर (छूट)]

(INCOME-TAX)

S.O. 1258.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific and

Industrial Research, for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty-fifth/one/two) of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

Sangeet Research Academy
1, Netaji Subhash Chandra Bose Road,
Tollygunge, Calcutta-700040.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 176/F. No. DG/WB-27/Cal/35(1)(ii)/90-IT(E)]

कलकत्ता, 27 मार्च, 1990

(आयकर)

का.आ. 1259.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35 (पैतीस/एक/दो/तीन) की उपधारा (1) के खंड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की समिति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर “संस्था” प्रवर्ग के अधीन अनुमोदित किया गया है:—

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखापरीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक व प्रौद्योगिक

अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

- (4) अनुमोदन की अवधि बढ़ाने के निम्न, यह अनुमोदन को समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

एस.एन. बोस नेशनल सेंटर फॉर बेसिक साइन्सेस डी.बी.-17, सेक्टर-1, साल्ट लेक सिटी, कलकत्ता-700064.

यह अधिसूचना दिनांक 23-11-89 से 31-3-90 तक को अवधि के लिये प्रभावी है।

[सं. 177/फा. सं. डी. जी./डब्ल्यू. बी.-28/कल./35(1)(ii)/89-आ. कर (छूट)]

(INCOME-TAX)

S.O. 1259.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research, for the purposes of clause (ii) of Sub-section (1) of section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

S. N. Bose National Centre for Basic Sciences,
DB-17, Sector-I,
Salt Lake City,
Calcutta-700064.

This Notification is effective for the period from 23-11-1989 to 31-3-1990.

[No. 177/F. No. DG/WB-28/Cal/35(1)(ii)/89-IT(E)]

(आयकर)

का. आ. 1260.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैंतीस/एक/दो) की उपधारा (1) के खंड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक, (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संव" प्रवर्ग के अधीन अनुमोदित किया गया है।

(1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली 110016 को भेजेगा।

(3) यह प्रत्येक वर्ष की 30 जून, तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपने आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) ((ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

दि दान्द्रा हॉली फैमिली मेडिकल रिसर्च सोसाइटी, सेंट एन्जुस मार्ग, दान्द्रा, बम्बई-400050

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 178/फा. सं. डी. जी./एन 93/कल. 35(1)(ii)/89-आ. कर (छूट)]

(INCOME-TAX)

S.O. 1260.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research, for the purposes of clause (ii) of Sub-section (1) section 35 (Thirty Five/one/two) of the Income-

tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) the organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) it will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific and Industrial Research.

NAME OF THE ORGANISATION

The Bandra Holy Family Medical Research Society,
St. Andrew's Road, Bandra,
Bombay-400650.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 178/F. No. DG/M-93/Cal/35(1)(ii)/89-II(E)]

(आयकर)

का. आ. 1261.—सबसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 (पैरोम/एक/दो) की उपधारा (1) के खंड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह आने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट), (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक, (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

इण्डियन एकेडमी ऑफ पेड्याट्रिक्स, कलास दर्शन, कंगडी ब्रिज, बम्बई-400007

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 179 / का, सं. डी. जी./एम-94/कल./35(1)(ii)/89-
आ. कर (छूट)]

(INCOME-TAX)

S.O. 1261.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research; and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Indian Academy of Pediatrics,
Kailas Darshan, Kennedy Bridge,
Bombay-400007.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 179 (F. No. DG/M-94/Cal/35(1)(ii)/89-IT(E)]

आयकर

का. मा. 1262.—सर्वसाधारण की सूचना के लिए, एतद्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैनीस/एक/तीन) की उपधारा (1) के खंड (iii) के लिये, सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संव" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, अस्तित्वों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट), (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

नालन्दा डांस रिसर्च सेंटर, प्लॉट-ए-7/1, एन.एस. मार्ग नं. 10, जे.वी.पी.डी. स्कीम, विले पार्ले (पश्चिम)
बम्बई - 400049

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 180 (फा. सं. डी.जी./एम-95/कल./35(1) (iii)/89-आ. कर (छूट)]

INCOME TAX

S.O. 1262.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (iii) of Sub-section (1) of Section 35 (Thirty Five|one|three) of the Income-tax Act, 1961 under the category "Association subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Nalanda Dance Research Centre,
Plot A-7/1, N.S. Road No. 10,
J.V.P.D. Scheme, Vile Parle (West),
Bombay-400049.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 180 (F. No. DG/M-95/Cal/35(1) (iii)/89-IT(E)]

आयकर

का.आ. 1263---सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैतीस/एक/तीन) की उपधारा (1) के खण्ड (iii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था" प्रवर्ग के अधीन अनुमोदित किया गया है।

(1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा।

(3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट), (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

टाटा इन्स्टीट्यूट ऑफ सोशल साइन्सेस

पो. बाक्स नं. 8313,

सायन-ट्राम्बे, मार्ग-4

ड्यूनार, बम्बई-400088

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 181(फा.सं. डी.जी./एम.-96/कन. 35(iii)/89 आय कर (छूट)]

INCOME TAX

S.O. 1263.--It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the

Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (iii) of Sub-section (1) of Section 35 (Thirty Five) of the Income-tax Act, 1961 under the category "institution" subject to the following conditions:

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Tata Institute of Social Sciences,
Post Box No. 8313, Sion-Trombay Road,
Deonar, Bombay-400088.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 181 (F. No. DG|M-96|Cal|35(1)(iii)|89-IT(E)]

कलकत्ता, 28 मार्च, 1990

आयकर

का.आ. 1264---सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैतीस/एक/दो/तीन) की उपधारा (1) के खण्ड (ii) के लिये, सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रवर्ग के अधीन अनुमोदित किया गया है।

(1) संगठन के वार्षिक प्रत्येक वित्तीय वर्ष के लिये धन का लिये एक अलग लेखा रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा।

(3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

हस्तीमल संचली रिसर्च फाउन्डेशन
16, शिवाजी नगर, पुणे-411005

यह अभिसूचना दिनांक 2-2-90 से 31-3-90 तक की की अवधि के लिये प्रभावी है।

[सं. 182 (फा. सं. डी. जी. /एम-92/कल./35(1) (ii) /
89-आ. कर (छूट)]

Calcutta, the 28th March, 1990

INCOME TAX

S.O. 1264.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five[one/two]) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- The organisation will maintain a separate account of the sums received by it for Scientific Research.
- It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New

Delhruli Road, New Delhi-110016 for every financial year by 31st May of each year.

- It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax|the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Hastimal Sancheti Research Foundation,
16, Shivajinagar,
Pune-411005.

This Notification is effective for the period from 2-2-1990 to 31-3-1990.

[No. 182 (F. No. DG-M-92|Cal.35(1) (ii) |89-IT(E)]

कलकत्ता, 29 मार्च, 1990

आयकर

का.आ. 1265—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को; आयकर अधिनियम 1961 की धारा 35(पैंतीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था" प्रवर्ग के अधीन अनुमोदित किया गया है।

(1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा।

(3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक आयकर छूट (ख) सचिव, वैज्ञानिक व औद्योगिक अनु-

संघान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

(4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

कर्नाटक स्टेट सेरिकलचर डेवलपमेंट इंस्टिट्यूट, थालागत्ता, पुरा, बंगलूर-560062

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 183(फा.सं. डी.जी./के.टी.-22/कल./35
(1)(ii)/89 आ. कर (छूट)]

Calcutta, the 29th March, 1990

INCOME TAX

S.O. 1265.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962 i.e., the Director General (I. T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General

(Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Karnataka State Sericulture Development Institute, Thalagattapura, Bangalore-560062.

This Notification is effective for the period from 1-4-1989 to 31-3-1990

[No. 183 (F. No. DG/KT-22/Cal/35(1)(ii)/89-IT(E)]

आयकर

का. आ. 1266.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम 1961 की धारा 35(पैंतीस/एक/दो/तीन) की उपधारा (1) के खण्ड (ii) के लिये सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था" प्रवर्ग के अधीन अनुमोदित किया गया है :—

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक लेखा-परीक्षित वास्तविक लेखों की एक प्रति अपनी आय-व्यय अस्तियों एवं देनदारियों के विवरण सहित (क) महानिदेशक (आयकर छूट), (ख) सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है को प्रस्तुत करेगा।
- (4) अनुमोदन की अवधि बढ़ाने के लिये यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से महानिदेशक (आयकर छूट) कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव

वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल सोसायटी फार दि प्रीवेंशन आफ बलाइन्डनेस—
इंडिया डा. राजेन्द्र प्रसाद सेन्टर फार अपथेलिमिक साइन्स,
ए. आई. आई. एम. एस. न्यू दिल्ली-110029

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[नं. 184 (फा. सं. डी. जी./एन डी-42/कल./35
(1) (ii) 89—आ. कर (छूट)]

INCOME TAX

S.O. 1266.—It is hereby notified for general Information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I. T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of Sub-section (i) of Section 35 (Thirty Five) one two of the Income-tax Act, 1961 under the category 'institution' subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/ the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

National Society for the Prevention of Blindness-
India. Dr. Rajindra Prasad Centre for
Ophthalmic Sciences, A.I.M.S., New
Delhi-110029.

This Notification is effective for the period from
1-4-1989 to 31-3-1990

[No. 184 (F. No. DG/ND-42/Cal/35(1)(ii) 89-IT(E)]

आयकर

का. आ. 1267.—सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैसीस/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये सचिव; वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक, व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, प्राप्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

कलकत्ता, 30 मार्च, 1990

आयकर

इन्वायरमेंटल रिसर्च लेबोरेटरी रूपर, सितापुर रोड
लखनऊ-226007।

यह अधिसूचना दिनांक 2-2-90 से 31-3-90 तक की
अवधि के लिये प्रभावी है।

[सं. 185 (फा. सं. डी. जी./यूपी-12/कल. 35(1)
(ii)/89—आ. कर (छूट)]

INCOME TAX

S.O. 1267.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five) of the Income-tax Act, 1961 under the category 'Association' subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Environmental Research Laboratory,
Roopper, Sitapur Road,
Lucknow-226007.

This Notification is effective for the period from
1-4-1989 to 31-3-1990

[No. 185 (F. No. DG/UP-12/Cal/35(1)(ii)/89-IT(E)]

का. आ. 1268. —सर्वसाधारण की सूचना के लिए
एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित
संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैंतीस/
एक/तीन) की उपधारा (1) के खण्ड (iii) के लिये, मंचिव,
वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति में
आयकर नियम 1962 के नियम 6 के अधीन विहित प्राधिकारी
अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों
पर "संघ" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के
लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों
का एक वार्षिक विवरण प्रत्येक वित्तिय वर्ष के लिये,
प्रत्येक वर्ष की 31 मई तक, मंचिव, वैज्ञानिक
व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन,
न्यू मेहरौली रोड, नई दिल्ली-110016 को
भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित
वार्षिक लेखों की एक प्रति अपनी आय-व्यय,
आस्तियों एवं देनदारियों के विवरण सहित,
(क) महानिदेशक (आयकर छूट) (ख) मंचिव,
वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और
(ग) आयकर आयुक्त/आयकर निदेशक (छूट),
जिनके क्षेत्राधिकार में पड़ता है को प्रस्तुत
करेगा।
- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन
की मर्यादा के तीन माह पूर्व आयकर आयुक्त/ आय-
कर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन
पड़ता है, के माध्यम से महानिदेशक (आयकर छूट),
कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत
करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध
में किये गये आवेदन-पत्र की 6 प्रतियां मंचिव,
वैज्ञानिक और औद्योगिक अनुसंधान विभाग,
को भी प्रस्तुत करेगा।

संगठन का नाम

वेद विज्ञान महाविद्या पीठ कावेज आफ वैदिक विज्ञान,
योग एण्ड संस्कृति स्टडीज 19, 39 —एफे क्राम 11 मेनरोड
4-टी ब्लॉक, जाय नगर, बैंगलूर-560041

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की
अवधि के लिये प्रभावी है।

[सं. 186 (फा. सं. डी. जी./के टी-15/कल./35(1)
(iii)/89—आ. कर (छूट)]

Calcutta, the 30th March, 1990

INCOME TAX

S.O. 1268.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (iii) of Sub-section (1) of Section 35 (Thirty Five[one]three of the Income-tax Act, 1961 under the category 'Association' subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Vcd Vignan Mahavidya Peeth.

College of Vedic Science, Yoga & Sanskrit Studies.

19, 39th-A Cross, 11th Main Road.

4th, T Block, Jayanagar, Bangalore-560041.

This Notification is effective for the period from 1-4-1989 to 31-3-1990

[No. 186/F.No. DG/KT-15/Cal/35(!)(iii)/89-IT(E)]

आयकर

का.आ. 1269.—सर्वसाधारण की सूचना के लिए
एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित
संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैंसीस/

एक/दो/तीन) की उपधारा (1) के खण्ड (ii) के लिये,
सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति
से, आयकर नियम, 1962 के नियम 6 के अधीन विहित
प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित
शर्तों पर "संस्था"/घ" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन
के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों
का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के
लिये, प्रत्येक 31 मई तक, सचिव, वैज्ञानिक व
औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू
मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित
वार्षिक लेखों की एक प्रति अपनी आय-व्यय,
आस्तियों एवं देदारियों के विवरण सहित, (क)
महानिदेशक (आयकर छूट) (ख) सचिव,
वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और
(ग) आयकर आयुक्त/आयकर निदेशक (छूट)
जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन
की समाप्ति के तीन माह पूर्व आयकर आयुक्त/
आयकर निदेशक (छूट), जिनके क्षेत्राधिकार
में संगठन पड़ता है, वे माध्यम से महानिदेशक
(आयकर छूट), कलकत्ता को तीन प्रतियों में
आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि
वढ़ाने के संबंध में किये गये आवेदन-पत्र की
6 प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान
विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

इन्स्टीट्यूट आफ मनेजमेन्ट इन गर्वमेन्ट वारटन हिल,
त्रिवेन्द्रम-695037

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की
अवधि के लिये प्रभावी है।

[सं. 187 / फा. सं. डी.जी./के-3/कल./35 (1)
(iii)/89-आ.कर (छूट)]

INCOME TAX

S.O. 1269.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five[one]three of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.

- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax [Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax [the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Institute of Management In Government,
Barton Hill, Trivandrum-695037.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 187/F. No. DG/K-3/Cal/35(1)(iii)/89-IT(E)]

आयकर

का.आ. 1270:—सर्वसाधारण की सूचना के लिए एनद्वाग यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैनीम/एक/दो) की उपधारा (1) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था"/प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यक्रमों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय,

आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से महानिदेशक (आयकर छूट), कलकत्ता को तीन प्रतियों में आवेदन प्रस्तुत करेगा। यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी प्रस्तुत करेगा।

संगठन का नाम

मेन्टल बोर्ड आफ इरीगेशन एण्ड पावर मालचा मार्ग,
चाण्क्यापुरी, न्यू दिल्ली-110021

यह अधिसूचना दिनांक 1-4-89 से 31-3-90 तक की अवधि के लिये प्रभावी है।

[सं. 188 / का.सं.डी.जी./एन डी.-51 कल./35

(1) (ii)/89-आ.कर (छूट)]

INCOME TAX

S.O. 1270.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five) of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax [Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director

General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

Central Board of Irrigation & Power, Malcha Marg, Chanakyapuri, New Delhi-110021.

This Notification is effective for the period from 1-4-1989 to 31-3-1990.

[No. 188 (F. No. DG/ND-51/Cal/35(1)(ii)/89-IT(E)]

(आयकर)

का.आ. 1271:- सर्वसाधारण की सूचना के लिए एतद्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैन्तीस/एक/तीन) की उपधारा (1) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था"/प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यक्रमों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखा-परीक्षित वार्षिक लेखों की एक प्रति अपनी आय-व्यय, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।
- (4) अनुमोदन की अवधि बढ़ाने के लिये, यह अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, को माध्यम से महानिदेशक (आयकर छूट) कक्षकला को तीन प्रतियों में आवेदन प्रस्तुत करेगा यह अनुमोदन की अवधि बढ़ाने के संबंध में किये गये आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, को भी पहुंचा करेगा।

संगठन का नाम

दि किमकल रिसर्च फाउण्डेशन एल-22, हाउस खाम एन-क्लेव नई दिल्ली-110016

यह अधिसूचना दिनांक 2-2-90 से 31-3-91 तक की अवधि के लिये प्रभावी है।

[सं. 189 (फा.सं. डी. जी./ए. डी. 58/क.र./35

(1) (iii)/89- आ.कर (छूट)]

जे. चक्रवर्ती, उपनिदेशक (आयकर छूट)

INCOME TAX

S.O. 1271.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General (I.T. Exemptions) in concurrence with the Secretary, Department of Scientific & Industrial Research, for the purposes of clause (iii) of Sub-section (1) of Section 35 (Thirty Five/one/three) of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research.
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhavan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year.
- (iii) It will submit to the (a) Director General (Income-tax Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.
- (iv) It will apply in triplicate for further extension of the approval, to the Director General (Income-tax Exemptions), Calcutta through the Commissioner of Income-tax the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. It will also submit six copies of the application for extension to the Secretary, Department of Scientific & Industrial Research.

NAME OF THE ORGANISATION

The Fiscal Research Foundation, L-22 Hauz Khas Enclave, New Delhi-110016.

This Notification is effective for the period from 2-2-1990 to 31-3-1991.

[No. 189 (F. No. D.G./ND-58/Cal/35(1)(iii)/89-IT(E)]

J. CHAKRABORTY, Dy. Director (I.T. Exemptions)

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 5 मई, 1990

का.आ. 1272.—केन्द्रीय सरकार ने, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के निर्यात व्यापार के विकास के लिए, अधिसूचना सं. का.आ. 3332, तारीख 20 जून, 1985 में प्रकाशित भारत सरकार के वाणिज्य मंत्रालय के आदेश का संशोधन करने के लिए, कनिष्ठ प्रस्ताव नीचे विनिर्दिष्ट रीति में बनाए गए हैं और उक्त प्रस्ताव, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिपद को भेज दिए हैं :

अतः, अब केन्द्रीय सरकार, उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, ऐसे लोगों की जानकारी के लिए, जिनके उनसे प्रभावित होने की संभावना है, प्रकाशित करती है और उसके द्वारा यह सूचना देती है कि उक्त प्रस्तावों पर, ऐसी तारीख में, जिसको उक्त आदेश की अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध कराई जानी हैं, पैतालीस दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा,

कोई व्यक्ति, जो उक्त प्रस्तावों की बावत कोई आक्षेप या सुझाव भजना चाहता है, उन्हें ऊपर विनिर्दिष्ट अवधि की समाप्ति पर या उससे पहले, निर्यात निरीक्षण परिपद, 11 वीं मंजिल, प्रगति टावर, 26, राजेन्द्र प्लेग, नई दिल्ली-110008. को भेज सकता है।

प्रस्ताव

केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3332, तारीख 20 जून, 1985 के साथ प्रकाशित आदेश का और संशोधन करने के लिए, निम्नलिखित आदेश करती है अर्थात् :—

उक्त आदेश में, —

(क) पैरा 3 के नीचे की प्रविष्टियों में, शुष्क मछली को निम्नलिखित किस्मों से संबंधित क्रम सं. 17, 18, 19, 20, 23, 26, 31, 32, 33 और 34 का क्रमण : लोप किया जाएगा :—

किस्म	वैज्ञानिक नाम (जाति)
1	2
हुमल्ला	माडनिल्ला सम
सूडया	माडनिल्ला गिश्वेमा
मौरोलो	हमिरहम्फस

1

2

वैनगनवा	पिल्लीना
थोनदया शुष्क	हुमुमिरिया
बलाईकैण्डम	चिरोसेट्स
नमकयुक्त और शुष्क थोनदया	हुमुमिरिया विशेष
बोलान	डोर्कपटरम विशेष
कोली (नमक रहित)	एक्सोकाट्स
कोली (नमक युक्त)	एक्सोकाट्स

(ख) उक्त आदेश के उपाबंध में, सूक्ष्म मछली की निम्नलिखित किस्मों से संबंधित क्रम सं. 17, 18, 19, 20, 23, 26, 31, 32, 33 और 34 और उनसे संबंधित प्रविष्टियों का लोप किया जाएगा :—

किस्म

हुमल्ला
सूडया
मौरोलो
वैनगनवा
थोनदया शुष्क
बलाईकैण्डम
थोनदया
बोलान
कोली (नमक रहित)
कोली (नमक युक्त)

[फाइल सं. 6(9)/89-ई आई एण्ड ई पी]

पाद टिप्पण :

मूल अधिसूचना सं. का.आ. 3332, तारीख 20 जून, 1985 भारत के राजपत्र, भाग-2, खंड-3, उप खंड(ii) के पृष्ठ 3849-65 प्रकाशित की गई थी।

MINISTRY OF COMMERCE
ORDER

New Delhi, the 5th May, 1990

S.O. 1272.—Whereas the Central Government, in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), has formulated certain proposals for amending the Order of the Government of India in the Ministry of Commerce published in the Notification S.O. No. 3332 dated the 20th June, 1985 in the manner specified below, for the development of export trade of India and has forwarded the said proposals to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby, and Notice is hereby given that the said proposals will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette containing the said Order are made available to the public;

Any person, desiring to forward any objection or suggestion with respect to the said proposals may forward the same

to the Export Inspection Council, 11th Floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008 on or before the expiry of the period specified above.

PROPOSALS

In exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following Order, further to amend the Order published with the notification of the Government of India in the Ministry of Commerce SO No. 3332, dated the 20th June 1985, namely :—

In the said Order,—

(a) in the entries below paragraph 3, Sl. Nos. 17, 18, 19, 20, 23, 26, 31, 32, 33 and 34 relating to the following varieties of dried fish shall respectively be omitted—

Variety	Scientific Name (Species)
Hur-ulla	Sardinella sirm
Soodaya	Sardinella gibbosa
Morollo	Hamirhamphus
Venganawa	Pellona
Thondaya Dried	Dussumeria
Valaikandam	Chirocentrus
Thondaya Salted and Dried	Dussumeria spp
Bolan	Decapterus spp.
Koli (unsalted)	Exocactus
Koli (salted)	Exocactus

(b) in the Annexure to the said Order, Sl. Nos. 17, 18, 19, 20, 23, 26, 31, 32, 33 and 34 relating to the following varieties of dried fish and the entries relating thereto shall be omitted,—

Variety
Hurulla
Soodaya
Morolla
Venganawa
Thondaya Dried
Valaikandam
Thondaya
Bolan
Koli (unsalted)
Koli (salted)

[F. No. 6(9)/89-EI&EP]

FOOT NOTE :

The Principal Notification was published vide No. S.O. 3332 dated the 20th June, 1985 in the Gazette of India, Part-II, Section-3, Sub-Section (ii) pages 3849-65.

का.आ. 1273:—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार पतङ्गारा निम्नलिखित संस्थानों को स्टील तथा स्टील उत्पादों का निर्यात से पूर्व निरीक्षण के लिए अभिकरण के रूप में मान्यता देती है।

1. निर्यात निरीक्षण अभिकरण—बम्बई,
2. निर्यात निरीक्षण अभिकरण—कलकत्ता,
3. निर्यात निरीक्षण अभिकरण—कोच्चि
4. निर्यात निरीक्षण अभिकरण—दिल्ली,
5. निर्यात निरीक्षण अभिकरण—मद्रास,

[फाईल सं. 6/5/90-ई.आई.एण्ड ई.पी.]
ए.के. चौधरी, निदेशक

S.O. 1273.—In exercise of powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the following organisations as Agencies for the inspection of Steel and Steel Products prior to export.

1. Export Inspection Agency-Bombay;
2. Export Inspection Agency-Calcutta;
3. Export Inspection Agency-Cochin;
4. Export Inspection Agency-Delhi;
5. Export Inspection Agency-Madras;

[F. No. 6/5/90-EI&EP]
A. K. CHAUDHURI, Director

श्रम मंत्रालय

नई दिल्ली, 9 अप्रैल, 1990

का.आ. 1274—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबंध में निर्यात और उनके कर्मचारियों के बीच, अनुबंध में निर्यात औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय जवाहरपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 6 अप्रैल 1990 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 9th April, 1990

S.O. 1274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal Cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their worker, which was received by the Central Government on 6-4-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(18)/1985

PARTIES :

Employers in relation to the management of State Bank of India, Nagpur (M.S.) and their workman Shri N. S. Khandare, Farrash-cum-Messenger, Alipur Branch, represented through the State Bank of India & Subsidiary Banks' Employees Union 2, Vijay Nagar, Chhaoni, Nagpur (M.S.).

APPEARANCES :

For Management—Shri A. K. Ramani.

For Union—Shri S. D. Phadke.

INDUSTRY : Banking. DISTRICT : Nagpur (M.S.)

AWARD

Dated : March, 23, 1990

This is a reference made by the Central Government, Ministry of Labour, vide Notification No. L-12012/202/84-D. II(A) Dated 12th March, 1985 for adjudication of the following dispute:—

"Whether the action of the management of State Bank of India in relation to Region III, Nagpur in discharging Shri N. S. Khandare, Farrash-cum-Messenger, Alipur Branch from the services of the Bank w.e.f. 6-2-84 is justified? If not, to what relief is the workman entitled?"

2. Undisputed facts of the case are that the workman, Shri N. S. Khandare, was serving as Farrash-cum-Messenger, Alipur Branch in the State Bank of India. It is also not

disputed that the domestic enquiry was held against the said workman and he was dismissed with effect from 6-2-1984.

3. The case of the workman, in brief, is that because he belongs to Schedule Caste (Mochi Chamar) and is not much educated he has been treated by the staff badly. Out of this malice and bias against him he was charge-sheeted for misconduct and was discharged after the domestic enquiry.

4. According to him, no proper and legal enquiry was held and has given various reasons including the vagueness of the charge-sheet to show that the enquiry was biased, prejudicial and against the principles of natural justice. I shall not go into the details of the enquiry because the same has been set aside by my learned predecessor vide his order dated 26th November, 1985. The management was, however, directed by my learned predecessor to prove misconduct of the workman before the Tribunal and accordingly parties led evidence in regard to misconduct of the workman concerned. The workman has, however, denied the alleged misconduct also. According to him, he has been falsely implicated on the alleged vague charges on account of bias against him. Accordingly, the workman is entitled to reinstatement with all consequential benefits.

5. Management has denied the alleged illegality of the enquiry. Management has also denied that it was prejudicial or false charges were framed against him. The misconduct has been validly proved and he was discharged from service in accordance with law. The prayer made by the workman is liable to be rejected. He is not entitled to reinstatement because the management has lost confidence in him.

6. Following issues were framed by my learned predecessor. Issue No. 1 was held in the negative as per my predecessor's order dated 26th November, 1986. The finding on the other issues is being recorded against each of them:—

ISSUES

FINDINGS

1. Whether the Enquiry is proper and legal?

Enquiry is neither legal nor proper (See my predecessor's order dated 26-11-1986).

2. If not, whether the action of the management is justified and legal on the facts of the case?

Yes.

3. Whether the punishment is just and proper?

Yes.

4. Whether the workman is not entitled to the relief of reinstatement in view of plea of loss of confidence?

Yes.

Reasons for my findings on—

7. Issues Nos. 2, 3 & 4:—Before proceedings to examine the evidence relating to misconduct of the workman, I will reproduce the charges levelled against the workman which are as thus:—

"Under instruction from the Regional Manager, you are hereby instructed to show cause as to why disciplinary action should not be taken against you for the following charges:

There have been instances when you have disobeyed the orders issued to you by your superiors, you deal with members of the staff in a very rude and insolent manner. You use offensive and abusive language while talking to the members of the staff. There have been instances when you have threatened members of the staff with physical assault. Your actions are prejudicial to the interest of the Bank."

8. In view of the fact, however, that a fresh enquiry is being held against the workman, I will deal with the evidence on record to find out whether the alleged misconduct of the workman are true or not.

9. Management has examined M.W.1 Ravindra Tiwari, M.W.2 Suhas Dhale, M.W.3 Madhukar Bhagwat Chandekar, M.W.4 Devidas and M.W.5 H. M. Joshi, in support of its

case while the workman examined himself to disprove the alleged misconduct.

10. I will first look into the statement of W.W.1 N. S. Khandare who is the aggrieved workman. This workman stated during his cross-examination as follows:—

"Mr. Joshi had sent me for medical examination. I was in the habit of drinking but not during the duty hours. I have left it since last 3 years I used to drink after 8.00 p.m. I never drank when I was on Watchman duty. Mostly my services were taken as a messenger in the Bank. I do not remember the name of the person from whom I used to purchase liquer. Those two ladies were related to me. But I do not know their names. I cannot say that their names were Shanta Bhinde and Prayag Barskar. Those ladies were bad workmen and they wanted to snatch money from me. At that time I had Rs. 700 with me. Those girls had seen money with me when I took it out while drinking. This incident occurred about 7 p.m. Police had not caught me on that day. Police incident was after 15 days."

11. With this back ground of the character of the workman concerned, I will discuss the evidence adduced by the management in details so as to find out whether the workman was misconducting himself.

12. Ravindra Tiwari (M.W.1) was Cashier-cum-clerk at Alipur Branch at the relevant time. He says that whenever the workman was given some work he did not use to pay heed to it and he would also not work properly. According to him he made three complaints against the workman which are Ex. M/1 to Ex. M/3.

13. This witness has further stated that on one occasion at the lunch hour Khandare came late and on making a complaint against him in this regard he took up note sticking machine and threatened him to kill. During his cross-examination, this witness could not be assailed and nothing could be brought out in cross-examination to find out as to how this witness is telling a lie. Merely alleging that the witness refused to become member of the union according to the choice of Shri Khandare and he refused to do so, his evidence cannot be rejected.

14. According to M.W.2 Suhas Dhale, who was clerk-cum-typist at Alipur Branch, at the relevant time, the general behaviour of Shri Khandare was the same with all the employees of the Bank. He says that once he asked Shri Khandare to bring the ledger register, he started abusing him by calling him bad name and picked up chappal and tried to beat him. He made a report to the management in this regard which is Ex. M/4. This witness has further corroborated the testimony of Ravindra Tiwari that whenever he was asked to work he used to start abusing them and calling them bad names. This witness has, however, admitted in cross-examination that he has not seen the misbehaviour of the workman with the other employees of the Bank because every body has a separate counter. He has also admitted that Shri Khandare did not misbehave with the public. This is all what could be brought out in the cross-examination of this witness. Obviously, this witness is not telling a lie and his testimony could not be dislodged in cross-examination.

15. Now let us examine the testimony of M.W.3 Madhukar Bhagwat Chandekar. He was Branch Manager during the relevant time. When he came to Alipur Branch on transfer, he found that Shri Khandare used to shout loudly and used to call bad names. He further states that he was receiving complaints against Shri Khandare every day. One day, he gave a slap to Gangadhar Wamanpure. This Gangadhar Wamanpure has, however, not been examined and therefore I will ignore this part of his testimony. This witness has further stated that one day Shri Khandare came to him in a drunken state along with his wife and children and asked him to clear his accounts. He has stated that he had received complaints Ex. M/1 to Ex. M/4. This witness has also proved Ex. M/5 to Ex. M/8. This witness has further stated that the delinquent had misbehaved with a girl in the Bus and therefore he was kept in the lock up of the police. This witness has, however, admitted that the incident did not take place in his presence. But nevertheless, according to him, he had been to the police along with the Secretary of

the Union and got him released on bail. I have gone through his cross-examination and his testimony also could not be assailed.

16. So far as the statement of M.W.4, Devidas, is concerned, he was also working as a clerk. He has stated that the day Shri Khandare joined at Umerkher Branch he was found in drunken state and his behaviour was riotous. He says that police had brought him to the Branch and had told him that the said workman was drunk and was behaving in a riotous manner where from he was caught. He further says that some lady was also complaining about his behaviour to the police. He says that he went to the police station and got him released on bail. Thereafter, he was brought to the Bank office where he promised that he will behave properly in future and gave written apology Ex. M/11. Nothing has come out in the cross-examination of this witness.

17. Now I shall examine the statement of M.W.5, H. M. Joshi, who was working as Branch Manager, Umerkher at the relevant time. He has also corroborated the testimony of M.W.4, Devidas, and has stated that police had brought him in drunken state along with two ladies of red light area. He says that it was creating bad impression in the Bank. Therefore, he asked the police to take him away. He has further stated that he had deputed the Union Leader, Shri Deshpande, to go the police Station and enquire into the matter. He says that Shri Deshpande returned after an hour and informed him that the police had already taken the action against him and registered a case. He says that he had collected the copy of the register Ex. M/12, according to which the workman was convicted and was sentenced the fine of Rs. 25. This witness further says that on the same day at about 1.30 p.m. Shri Khandare came to him and sought pardon in writing, copy of which is Ex. M/11. He had also reported the matter as per Ex. M/13 and Ex. M/14.

18. This witness further says that Shri Khandare was irregular in duties, memos from Ex. M/15 to Ex. M/17 were issued to him and to gave replies Ex. M/18 to Ex. M/20. This witness further says that in July 1980 he found Shri Khandare in the office in drunken state. He was referred to the Doctor for examination and Dr. gave a report Ex. M/21. Nothing has brought out in the cross-examination of the witness to challenge this part of his testimony.

19. I have gone through all the documents Ex. M/1 to Ex. M/22 and the oral evidence on record. I have already pointed out the conduct of the workman from his statement at the earlier stage of my discussion.

20. Thus from the above evidence it is patently clear that the workman used to drink, used to come in office in drunken state, used to call bad names, used to avoid and even refused to work, used to assault the officers of the Bank as also he was morally loose in his public life in as much as he was found with two prostitutes in a public place in drunken state.

21. These are all chains of misconduct of the workman and ultimately he was punished by the Court also. (See Ex. M/12). Nothing contrary could be brought out.

22. Thus the management has proved the misconduct of the workman. Obviously, such type of persons can neither be relied upon nor can be kept in Bank. My findings are, therefore, recorded as follows :—

1. The action of the management is justified and legal on the facts of the case.
2. He has been rightly discharged from service and therefore the punishment is just and proper. He should thank himself that he has not been dismissed.
3. The workman is not entitled to the relief of reinstatement for the aforesaid reason as also in view of the fact that the management has lost confidence in him for the obvious reasons. The workman is, therefore, not entitled to any relief whatsoever.

Reference is, therefore, answered as follows :—

The action of the management of State Bank of India in relation to Region III, Nagpur in discharging Shri N. S. Khandare, Farashum-Messenger, Alipur Branch from the services of the Bank w.e.f. 6-2-84 1083 GI/90—5.

is justified. He is not entitled to any relief. No order as to costs.

Awarded accordingly.

V. N. SHUKLA, Presiding Officer
[No. L-12012/202/84-D.II(A)]

का.आ 1275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के पंचद्व नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडु मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 अप्रैल 1990 को प्राप्त हुआ था।

S.O. 1275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal Tamil Nadu, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 6-4-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

PRESENT :

Thiru N. Palaniappan, B.A., B.L.,
Industrial Tribunal,
Industrial Dispute No. 50 of 1987

In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of State Bank of India, LHO, Madras-1.]

BETWEEN :

Thiru K. Rengarajan
No. 78, Angarai Azhikaram,
Angarai P.O., Trichi, Tamil Nadu-621703.

AND

The Chief General Manager,
State Bank of India, LHO,
21, Rajaji Salai, Madras-600001.

REFERENCE : Order No. L-12012/235/84-D. II(A), dated 4-5-1987 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 20th day of February, 1990 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru G. Venkataraman for Thiruvalluvaral Aiyar & Dolin and R. Arumueam. Advocates appearing for the workman and of Thiruvalluvaral T. S. Gopalan and P. Ibrahim Kalifulla. Advocates of the management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This dispute between Thiru K. Rengarajan and the management of State Bank of India, Madras-1 arises out of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-12012/235/84-D. II(A), dated 4-5-1987 of the Ministry of Labour for adjudication of the following issues :

"Whether the action of the management of State Bank of India in relation to their Lalgudi Branch in imposing the penalty of discharge from services on Shri K. Rengarajan is justified? If not, to what relief the concerned workman is entitled?"

2 The case of the petitioner Thiru K. Rengarajan as found in the claim statement is as follows : He joined in the

respondent-bank as cashier on 27-12-1961. He rose to the position of deputy head cashier and he was posted in Laludi Branch in the year 1965. The respondent by its order dated 17-9-1976 suspended the petitioner from service. Subsequently the respondent has issued a charge sheet to the effect that during the period 19-5-1976 to 22-6-1976 he surreptitiously removed currency notes aggregating Rs. 3,265/- from out of note packets tendered to him for counting as is evident from the shortages detected in the payment counter on the 1st July, 1976 in the remittance sent to Kattur A.D.B. on the 2nd July, 1976 and in the currency chest. The petitioner submitted his explanation denying the charges. The note packets in which shortages had been found constitute part of a larger remittance received from Canara Bank, Madurai. The said remittance was counted not only by the petitioner but also by other Cashiers. The examination and counting of notes were done in the presence of the cashier from Canara Bank and under the direct supervision of the Head Cashier. The note slips of the section in which shortages were found were also duly countersigned by the head cashier in token of his having recounted in the said section. Thus the other cashiers and the head cashier were left out and the petitioner alone was singled out and it is purely a case of discrimination. There are various discrepancies, variations and disparities in the charge sheet and in the certified extracts from the excess shortage register. The charge sheet alleges pilferage of notes to the value of Rs. 3,285/- but in the register the shortage was shown as Rs. 3,280/-. The charge is laid on incorrect figures and facts. On the incomplete charge sheet, an enquiry was conducted. In the enquiry, reasonable opportunity was denied to him. The enquiry was conducted totally against the principles of natural justice. The enquiry officer acted with a biased mind. The findings of the enquiry officer are perverse and one sided. His conclusions are solely based on surmises and presumptions only. The respondent without considering all these materials terminated the petitioner's services. The petitioner has put in more than 15 years of continuous service. His records are without blemish throughout. If the totality of the circumstances are taken into consideration, it is sure that the petitioner is innocent and he did not commit any act of the misconduct. Therefore the action of the respondent in dismissing the petitioner from service is unjustified.

3. In the counter statement, the respondent has contended as follows : The currency notes received from the Canara Bank on 27-4-1976 were entrusted to the petitioner and the examination of the remittance was completed on 19-6-1976. When the Laludi branch made a remittance to the Agricultural Development Branch, Kattur on 2-7-1976, the branch reported shortages. Similar shortages were noticed in remittances. It came to light that between 19-5-1976 and 12-6-1976, the petitioner had surreptitiously removed the currency notes aggregating Rs. 3,285/- from and out of the note packets tendered to him for counting. The petitioner was served with charge sheet for the gross misconduct committed by him. Even earlier, the petitioner had made good the amount and gave a letter dated 17-7-1976 admitting his mistake and pleading for excuse. The petitioner did not give any satisfactory explanation to the charge sheet and a domestic enquiry was conducted. The enquiry officer found the petitioner guilty of the charge. The petitioner was served with a second show cause notice proposing a punishment of dismissal. The petitioner appeared for the personal hearing on 4-6-1979. After considering his representation the disciplinary authority passed orders on 11-6-1979 dismissing the petitioner from service in terms of paragraph 521(5)(a) of the Sastri Award read with paragraph 18-28 of the Desai award. Against the order of dismissal on 26-7-1979 the petitioner preferred an appeal to the Chief Regional Manager. On 19-11-1979 the appellate authority passed orders modifying the punishment of dismissal into one of discharge from service without notice. The State Bank Staff Union raised an industrial dispute before the Regional Labour Commissioner (Madras). The bank submitted its written comments. The Assistant Commissioner of Labour submitted his failure report on 29-10-1984. The Government of India upheld the bank's action in discharging the petitioner from bank's service and stated that the charges levelled against the petitioner proved during the departmental enquiry. The Government of India therefore considered that there is no prima facie case for referring the matter to the Industrial Tribunal for adjudication. While, the petitioner after a lapse of one year and nine months submitted a petition dated 14-11-1986 to the Government which has now referred the matter to the

Tribunal for adjudication of the question whether the action of the management-bank in imposing the penalty of discharge from service of the petitioner is justified. After the order of discharge dated 23-11-1979 nothing was heard from the petitioner. After a period of four months, the State Bank Staff Union purported to raise an industrial dispute regarding his discharge. On 2-2-1985 the Government of India passed orders declining to refer the dispute for adjudication. This order was not challenged by the petitioner. It was only on 14-11-1986 he approached the Government to reconsider its order dated 2-2-85 and on such re-consideration the present order of reference came to be made on 4-5-1987 and the order of reference itself is final and the dispute should not have been referred on the ground of delay and laches. Having regard to the issue referred for adjudication, the only question for consideration by this Tribunal is whether the penalty of discharge from service is justified. There is no scope to go into the question whether the enquiry is fair and proper or finding of guilt rendered by the enquiry officer is justified. The misconduct of pilferage of currency notes entrusted to him for counting proved against the petitioner is one which reflects on his integrity. The respondent being a financial institution, cannot repose confidence on the petitioner. In the circumstances the punishment of discharge from service cannot be said to be harsh or excessive or disproportionate to the charge proved against the petitioner. The allegations and averments made in the various paragraphs of the claim statement are not relevant having regard to the limited scope of the order of reference. The Appellate authority took into consideration his 15 years of service in the bank reduced the punishment of dismissal to discharge. There is no scope for further interference. Therefore an award should be passed rejecting the claim of the petitioner.

4. The points for consideration are :—

- (1) Whether the action of the management of State Bank of India in relation to their Laludi Branch in imposing the penalty of discharge from service on Shri K. Rengarajan is justified ?
- (2) if not, to what relief the concerned workman is entitled ?

5. POINT NO. 1 : It is the case of the respondent—bank that the petitioner who was a Deputy Cashier in the Laludi branch while checking the currency notes received from Canara Bank, Madurai and despatched to their other branches had surreptitiously removed the currency notes aggregating Rs. 3,285/- from and out of the note packets tendered to him for counting. When the complaints were received from the other branches who received the currency regarding the shortage, the petitioner was charge-sheeted and an explanation was called for. On receipt of the explanation, an enquiry was conducted against the petitioner. Even before the commencement of the enquiry, the petitioner made good the loss by remitting the money which is said to have been surreptitiously removed by him from the note packet. It is also seen from the findings of the enquiry officer Ex. M-2 that the petitioner has also confessed the guilt and prayed for leniency. In the domestic enquiry, sufficient opportunities have been given to the petitioner to put forward his case. It is not doubt true that there is no eye witness to the misconduct committed by the petitioner. It is only from the reports from the various branches regarding shortages it was found that only in the note packets counted by the petitioner, the shortages had occurred. The enquiry officer found the petitioner guilty of the charges framed against him under Ex. M-1. The enquiry officer's proceedings have been marked as Ex. W-1. After receiving a second show cause notice, the petitioner was dismissed from service from 11-6-1979. The petitioner took up the matter in appeal to the Chief Regional Manager who after considering the merits of the case has passed orders Ex. M-3 modifying the punishment of dismissal into one of discharge from service without notice. By this modification, the petitioner became entitled to terminal benefits. Ex. M-3 is dated 19-11-1979. In April 1980, the State Bank Staff Union purported to raise an industrial dispute regarding this charge. The Government of India, Ministry of Labour by an order dated 2-2-1985 under Ex. M-4 has found that prima facie there is no ground for reference of the petitioner's case to the Industrial Tribunal for adjudication. The petitioner again approached the Government of India in 1986 to re-consider the order Ex. M-4. Thereafter the present order of reference had been made to this Tribunal.

(6) The learned counsel for the petitioner would argue that by the reference made in this case the entire matter of the discharge of the petitioner from service is at large and the validity and the binding nature of the domestic enquiry should be gone into. On the other hand, it was argued on the side of the respondent that the reference is made for the limited purpose of considering the excessive nature of the punishment awarded to the petitioner, namely, the discharge and it is not open to the petitioner to challenge the enquiry or the findings of the enquiry officer. In my view, there is sufficient force in the contention of the respondent. The way in which the reference is worded would show that only the penalty of discharge imposed on the petitioner alone has to be adjudicated and not the discharge of the petitioner from service. In the view which I have taken it is unnecessary to consider the other question regarding the nature of enquiry except considering whether the penalty of discharge imposed on the petitioner by the order Ex. M-3 is justified.

7. It is first contended on the side of the petitioner that as per paragraph 521(10)(c) of the Sastri award, while awarding punishment, the authority concerned shall take into account the gravity of the misconduct, the previous record if any, of the employee and any other aggravating or extenuating circumstances that may exist. He would further argue that in the present case, the petitioner was not put on notice the past record of service and as such the penalty imposed is excessive. Though this point has not been raised in the claim statement filed by the petitioner, it is seen from the findings of the enquiry officer Ex. M-2 that on various occasions similar shortages were found and the petitioner had made good the shortages. It is no doubt true that the list of shortages on various occasions and punishments awarded to the petitioner are not made available by the respondent. But the petitioner has nowhere complained that his past record of services were not taken into account while awarding the punishment. The past record of service is not the only circumstance which has to be taken into account while awarding the punishment. The gravity of the offence is the main consideration in deciding the punishment to be awarded for misconduct. As rightly pointed out by the learned counsel for the respondent that it being a financial institution cannot lightly treat the pilferage of currency notes as it would brought down the reputation of the bank in the eye of the public. Considering the gravity of the offence, the punishment awarded to the petitioner does not appear to be excessive. The petitioner did not place any other extenuating circumstances to reduce the punishment imposed on him. On appeal, the bank has also converted the punishment of dismissal into one of discharge, so that the petitioner would get all the terminal benefits. Thus a leniency has been shown by the bank in modifying the punishment subsequently. I am therefore of the view that that penalty of discharge imposed on the petitioner is justified.

8. POINT NO. 2 : In the result, an award is passed rejecting the claim of the workman Thiru K. Rengarajan. There will be no order as to costs.

Dated, this 26th day of March, 1990.

N. PALANIAPPAN, Industrial Tribunal
[No. L-12012/235/84-D. II(A)]

WITNESSES EXAMINED

For the both sides : None.

DOCUMENTS MARKED

For workman :

Ex. W-1—Proceedings of the Enquiry Officer (Copy).

For Management :

Ex. M-1/13-1-76—Charge sheet issued to the workman Thiru K. Rengarajan (xerox copy)

Ex. M-2—Findings of the Enquiry Officer (xerox copy)

Ex. M-3/19-11-79—Order of discharge issued to the workman (xerox copy)

Ex. M-4/2-2-85—Order No. L-12012/235/84-D. II(A), Ministry of Labour, Govt. of India declining to refer this case (xerox copy).

N. PALANIAPPAN, Industrial Tribunal

नई दिल्ली, 11 अप्रैल, 1990

का.आ. 1276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्णन में केन्द्रीय सरकार दिवनास स्टेट बैंक लि. के प्रबन्धतंत्र के संबद्ध नियो-जकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय कानपुर के पंचपट का प्रकाशित करती है जो केन्द्रीय सरकार को 10 अप्रैल, 1990 को प्राप्त हुआ था।

New Delhi, the 11th April, 1990

S.O. 1276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court Kanpur as shown in the Annexure in the industrial dispute between the employees as in relation to the management of The Banaras State Bank Ltd. and their workmen, which was received by the Central Government on 10-4-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 14 of 1988

In the matter of dispute between :

The General Secretary, All India Banaras State Bank
Employees Union CL-27/4 Chaparigali Chowk
Varanasi.

AND

The Dy. General Manager (P) The Banaras State Bank
Limited Head Office D-52/1 Luxa Road, Varanasi.

AWARD

2. The Central Government, Ministry of Labour vide its Notification No. L-12012/117/86-D.IV (A) dated 5-2-88, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of the Banaras State Bank Limited in respect of their Obra Branch District Buzapur in terminating the services of Shri Anil Prakash Singh, Asstt. w.e.f. 5-1-84 is justified ? If not, to what relief the workman concerned is entitled ?

2. The Industrial Dispute on behalf of the workman has been raised by All India Banaras State Bank Employees Union (hereinafter referred to as Union). The case of the Union is that on 1-12-82, Shri Anil Prakash Singh, workman concerned was appointed temporarily in a clear vacancy which occurred on account of transfer of one permanent clerk by the Branch Manager B.O. Obra of the Bank. The workman continued working in the said post from the date of appointment till 4-1-1984, when his services were abruptly terminated by the management without compliance of the provisions of Section 25-F I. D. Act. The Union alleges that the management has filled up the said vacancy by recruiting a new hand against the provisions of Section 25-H I. D. Act. The Union has also complained about the violation of the provisions of Section 25-G I. D. Act. It has, therefore, prayed that the workman be taken in permanent service of the bank with full back wages and a proper seniority be assigned to him.

3. The management, in defence, plead that Shri Virendra Singh, the father of the workman was the manager at Branch Office Obra, during the alleged period of temporary employment of Shri Anil Prakash Singh. According to the management both father and son connived manipulated and fabricated the records/documents in a manner so that Shri Anil Prakash Singh could get employment in the bank without qualifying in the written test and interview which the bank conducts from time to time for recruitment. The alleged temporary employment has been shown during the period when Shri A. K. Pandiya, a permanent employee of the bank

was transferred to Rohaniya Branch on the ground of surplus staff at B.O. Obra. But the Branch Manager, Obra Branch, was duly informed vide letter dated 15-10-82 that no substitute would be provided. During the said period officiating allowance was also paid to Shri N. Chaturvedi, another permanent employee of the Bank for performing the duties of the above named transferred employees besides the salary of Shri Anil Prakash Singh, was paid by his father (branch manager) for 3 or 4 months at a time and not monthwise as is the practise. Even otherwise the branch manager was not authorised to make appointment in view of various circulars dated 12-5-78 and 6-7-78 which prohibits employment of relatives of the employees as temporary hands. The temporary employment so given, by the branch manager to Shri Singh was illegal. The Branch Manager, Shri Virendra Singh has been punished for his said act by the management vide their letter dated 18-6-85. The management further plead that during the period of alleged temporary employment Shri Anil Prakash Singh, was a regular student of Law Faculty at Harish Chandra College, Varanasi. It is impossible to attend the College at Varanasi and work at Obra on the same day when both the places are situated at a distance of 150 Kms. from each other. In fact Shri Anil Prakash Singh did not work for one year continuously. In the circumstances, the question of violation of Sec. 25-F, 25-G and 25-H does not arise. The management while admitting recruitments of fresh hands through written test and interview contend that Shri Anil Prakash Singh, never applied for the same. In case he was actually interested for the job in the bank, he should have appeared in the recruitment test conducted by the bank on 9-2-86 after calling applications through advertisement in News Papers, instead he desired back door entry through manipulation which was not acceptable to the bank.

4. The management has then pleaded that pending conciliation proceedings before ALC(C), Allahabad, management of the bank and Major Unions operating in the bank, namely, All India Benaras State Bank Employees Union and All India Benaras State Bank Staff Association arrived at a settlement on 4-7-86 formulating the norms and conditions for absorption of temporary employees with a view to promote industrial peace. In pursuance of the said settlement, the bank invited applications giving advertisement in various News Papers. The result of the successful candidates has since been circulated vide office circular dated 17-1-87. The bank advised Shri Anil Prakash Singh to appear in the test vide call letter dated 5-11-86, but he did not like to appear. Hence, the workman is entitled to no relief.

5. In the rejoinder, the Union alleges that Shri A. K. Pandiya, who was transferred from Obra Branch was not a surplus staff and this is confirmed by the fact that Shri N. C. Chaturvedi was allowed officiating allowance, moreover, vacancy caused by the transfer of Shri Pandiya, was filled up after recruiting new hands. The fact that the father of Shri Anil Prakash Singh happened to be the Branch Manager, it did not vitiate the appointment as he was appointed in the bank to perform duties entrusted to him. It was the responsibility of the Branch Manager not to have given appointment to Shri Anil Prakash Singh if there were certain hinderences, father the bank did not point out the irregularity, regarding the temporary appointments of the workman. It is nothing but an after thought.

6. The Union admits that the workman was a student of Law Faculty at Harish Chandra College of Varanasi and he passed his LLB Examination from the said college. The Union also admits the settlement referred to by the management in their written statement. According to the Union since the industrial dispute had been raised on behalf of the workman much before the settlement, the bank under law, cannot change service conditions and compell the workman that he should also apply for service.

7. Both sides have relied on oral as well as documentary evidence in support of their respective cases.

8. The case of the Union is that during the period 1-12-82 to 4-1-84, the workman had worked for 339 days. In the instant case joint inspection report was filed on 27-12-88. From the said report it appears that during the said period the workman's attendance is not found marked from 1-1-1983 to 30-1-83 and 1-5-83 to 31-5-83.

9. In his cross examination the workman has deposed that his father Shri Virendra Singh had been the Branch Manager at Obra Branch during the period during which he had worked at the said branch. He has further deposed that as Branch Manager Obra Branch, he (his father) issued him 5-6 appointment letters of temporary appointment as clerk mentioning in each of them the date on which he was to join and the date on which his term would expire. He was unable to say whether or not his father was competent to appoint him as clerk. Original appointment letters of the workman have not been filed by the Union. He has expressed his ignorance on the point whether or not in respect of his alleged temporary appointment, the management of the bank had taken disciplinary proceedings against his father.

10. The first and foremost point to be considered in this case is whether or not the father of the workman in his capacity as Branch Manager Obra could make his appointment in the manner alleged. In this connection, it will be relevant to refer to the various annexures filed by the management witness Shri U. J. Mehta, Manager Industrial Relation, with his affidavit.

11. Annexure E, is the copy of Board's Resolution No. 9(VI) dated 6-5-78, which shows that Class III appointments could be made only by the General Manager or the Dy. General Manager. However, Branch Managers' were authorised to make temporary appointments in such a way as not to appoint a person for more than 60 days in 12 calendar months. There was also restriction with regard to appointment of a relative by the Branch Manager. It was further provided in the Resolution that the candidate to be appointed temporarily, should as far as possible be from the panel of approved candidates.

12. Annexure A is the copy of Circular/Staff 18/78 dated 12-5-78 of the bank issuing instructions regarding appointment of casual/temporary/part-time employees. With regard to appointment of temporary employees the directions given were the same as were contained in the Board's Resolution dated 6-5-78.

13. Annexure B is the copy of circular/Staff/33/78 dated 6-7-78, on the same subject. It was again emphasized by means of this circular that the Branch Manager should not give any temporary appointment beyond the prescribed period and condition mentioned in the earlier circular failing which drastic action including demotion in service of the official responsible for the lapse might be taken.

14. Annexure D is the copy of next circular/Staff/36/78 dated 29-7-78. For the first time by means of this circular it was made clear that the Branch Managers'/concerned officers are advised not to make any temporary appointment without express authority of the Regional Managers'/Staff Section Head Office. This by means of this circular temporary appointment in class III could be made by the branch managers' only with the express authority of the RMs and not otherwise.

15. There is nothing on record to show that the father of the workman in his capacity as Branch Manager BO Obra, had the express permission to appoint his son as temporary clerk.

16. During the course of arguments it was contended by Shri O. P. Nigam, authorised representative for the Union, that the Branch Manager had been writing from time to time to the Head office that on account of over load in work he was appointing the workman as a temporary clerk. Therefore appointment made temporarily by him in the circumstances could not be challenged on the ground that he was not competent/authorised to make such an appointment.

17. I find no force in the above arguments of Shri Nigam. If such an approach is allowed to stand then any body not competent to appoint would start making appointments on one pretext or the other thereby jeopardizing the interest of employer. Such appointments will be illegal appointment.

18. It is the admitted case of the parties that Shri Ajit Kumar Pandiya, clerk-cum-cashier posted at Obra Branch was transferred from the said branch. Annexure C to the affidavit of the management witness is the copy of order of transfer dated 15-10-82. From the order it appears that

Shri Ajit Kumar Pandiya was transferred on his own request to Rohaniya Branch and his salary for the month of November, 1982 and onwards was to be paid by the said branch. Copy of order was endorsed to the Manager, Obra Branch who was no other person than the father of the workman. In the endorsement it was made clear that no substitute would be provided in place of Shri Pandiya. In view of the specific direction that no substitute would be provided it is not open to the authorised representative for the union to argue that in view of the work load he could make temporary appointment even without obtaining the prior permission of the Regional Manager.

19. Here I would like to refer to the extract of Ruling in the case of State of Punjab Versus Jagjit Singh, A.I.R., 1964, S.C. 521 quoted by Hon'ble Mr. Justice A. N. Dixit of Allahabad High Court, while disposing off civil Misc. Writ Petition No. 953 of 1986. The Management of State Bank of Indore Versus Presiding Officer, Central Government Industrial Tribunal cum Labour Court, Kanpur, and another. The Extract reads as under—

In our opinion, where a government servant has no right to a post or to a particular status though an authority under the government acting beyond its competence had purported to give that person a status which it was not entitled to give he will not in law, be deemed to have been validly appointed to the post or give the particular status.

With his affidavit the workman has filed the copy of appointment letter issued by the bank to Shri Arun Kumar Srivastava. It is appendix I. It shows that the appointment letter was issued by Dy. General Manager (P). This also strengthened the case of the management that the power of appointment lay with the General Manager/Dy. General Manager and not with the Branch Manager.

20. The temporary appointments having been made by the father of the workman who was not competent to make such appointment in his capacity as branch manager, the workman's appointment as temporary clerk by him being beyond his competence was illegal. Hence no right accrued to the workman on the basis of such appointment letters.

21. With his affidavit the management witness has filed documents to show that on account of illegal orders of appointment issued to the workman by his father, disciplinary proceedings were taken against the father and his two annual increments were permanently withheld. This is proved by annexure G and H of the affidavit of the management witness. Disciplinary action would not have been taken by the management of the bank had his father acted lawfully.

22. The management have also set up the case that both father and son had connived and fabricated records/documents. Looking to the facts and circumstances of the case its possibility cannot be ruled out. First of all I would like to refer to the joint inspection report. In the joint inspection report payments made to the workman have also been shown. It will appear from the statement appearing in the joint inspection note that there had been irregular payments of salary to the workman. He does not seem to have received salary on the last day of the month or on the first day of the next month. Further sometimes he received the salary of the earlier period after he had received salary of the latter period. For instance he received the salary of the period 22-7-83 to 15-9-83 on 19-9-83 and of the period 16-9-83 to 31-10-83 on 3-11-83 but the received salary of earlier period 3-3-83 to 30-4-83 and 1-6-83 to 21-7-83 on 10-12-83 alongwith the salary of the period 1-11-83 to 30-11-83. The question is why it were so and why salary was not paid every month.

23. From the evidence of the Union it appears that the workman did his law from Harish Chandra College, Varanasi. In his cross examination he has deposed that he joined law college in 1981. However, his own document Ext W-2 which is the copy of reply dated 4-12-85, from the Principal of the said college to the Chief Manager of the Bank, it appears that he was admitted in LL.B-I in the session 1979-80, on 6-8-79 and passed it in 1980. The workman has also deposed that there had been a zero session after he had obtained admission in 1980, which is belied from the facts quoted from the said letter. According to him for two years he was a regular student of the college and in 1983, when

he was in second year he was an Ex-student. The said letter of the Principal shows that he appeared in LL.B-II, examination in the Session 1980-81 and failed. He passed it in 1982, as an Ex-student. He again took admission as a regular student in LL.B III on 5-10-83.

24. Obra, vide statement of the workman in cross examination, is at a distance of 120 Kms from Varanasi, where there is Harish Chandra College. He admits that there is no direct train service from Obra for Varanasi. However, there is direct Bus service but Bus takes 3-3½ hours to reach Varanasi from Obra. In the beginning he stated that the banking hours were from 19 a.m. to 4 a.m. but latter on admitted that banking hours were from 10.00 a.m. to 5.00 p.m. According to him he never left the bank to attend the classes before 5 p.m. He has further deposed that it takes two hours to reach Varanasi from Obra by one's own vehicle. The distance between Obra and Varanasi had been put at 150 Kms by the management witness in his affidavit and on the said point he has not been cross examined.

25. The workman has said that the Law Class started from 6.00 p.m. onwards. For a regular student to attend classes at 6 pm. at Varanasi from Obra after leaving the bank at 5 p.m. seems to be next to impossible. The time 5 p.m. to 7 p.m. is the peak time when there is great rush of Traffic. It is not only difficult but impossible even by a man having his own vehicle to reach and attend college by 7 p.m.

26. It however, appears from the letter of the Principal, copy Ext. W-2, that the workman has an Ex. student from 1-12-82 to 31-12-82 and 31-1-83 to 30-4-83. Inquiry was also made by the Chief Manager of the bank from the Principal, Harish Chandra College, Varanasi, about the workman's attendance in the college during the period 5-10-83 to 4-1-84. With regard to it the Principal in his letter that he was not in position to make a clear cut statement regarding his attendance during the period 5-10-83 to 4-1-84 because of long vacation on account of Dussehera, Dipawali, and Christmas during the said period. Therefore, either the workman had not attended the classes during the said period if he had attended the classes some of the days during the said periods. He could have done so only after he had left the branch earlier or had not worked at all, in the said branch. From the above facts and circumstances, it can be said that on some of days on which he attended law classes either he had not worked in the bank or had left the branch to attend law classes in time much before 5 p.m.

27. Whatever may be the position, as appointment being void abinitio, the workman cannot claim any right under the settlement copy appendix 5 to his affidavit. The settlement is dated 4-7-86 and it was arrived at between the management and the workman as represented by U.P. Bank Employees Association and All India Benaras State Bank Employees Union with regard to clerical cadre. It was provided that the bank agreed that persons who had worked for 240 days or more in 12 calendar months in clerical cadre would be absorbed in the permanent service of the bank and those who had worked less than 240 days in the bank in clerical cadre would be allowed to appear in the written test and interview. Pass marks in the written test would be 50 out of 150 and 12 in the interview out of 50. These terms thus apply to those who were validly appointed in the clerical cadre, and not to those whose appointments were illegal. In the circumstances of the case, the bank even gave an opportunity to the workman to appear in the written examination. In his cross examination the workman has admitted that he did receive call letter dated 5-11-86 given by the bank asking him to appear in the recruitment test, but he did not appear in the said test nor sent any reply. The bank thus had been quite sympathetic to him. However, for reasons best known to him, the workman did not avail the opportunity. It seems that he wanted a back door entry in the bank.

28. Hence, it is held that the action of the management of the Benaras State Bank Limited in respect of their Obra Branch District Mirzapur in terminating the services of Shri Anil Prakash Singh, Asstt. w.e.f. 5-1-84 is justified and legal. The result is that the workman is entitled to no relief.

29. Reference is answered accordingly.

ARJAN DFV, Presiding Officer
[No. L-12012/117/86-D.IV(A)]

नई दिल्ली, 17 अप्रैल, 1990

का. आ. 1277—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के खिलाफ श्री शम्भू नाथ भार्गव द्वारा उक्त अधिनियम की धारा 33-क के अधीन बायर की गई शिकायत के संबंध में अनुबंध में निर्दिष्ट केन्द्रीय औद्योगिक अधिकरण जयपुर का पंचाट जैसे कि अनुबंध में है, प्रकाशित करती है। यह पंचाट केन्द्रीय सरकार को दिनांक 4-4-90 को प्राप्त हुआ था।

New Delhi, the 17th April, 1990

S.O. 1277.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Industrial Tribunal, Jaipur, in respect of a complaint u/s 33A of the said Act filed by Sh. Shambhu Nath Bhargava against the management of State Bank of India which was received by the Central Government on 4-4-90.

अनुबंध

केन्द्रीय सरकार औद्योगिक न्यायाधिकरण, जयपुर।
माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर. एच. जे. एस
केस नं. सी. आई. टी. 1/89।

मध्य

शम्भू नाथ भार्गव, श्रमिक, स्टेट बैंक आफ
इण्डिया जयपुर।

बनाम

स्टेट बैंक आफ इण्डिया मार्फत रीजनल

मैनेजर, जयपुर।

प्रार्थना पत्र अंतर्गत धारा-33 (ए) औद्योगिक
विवाद अधिनियम 1947।

उपस्थिति

श्रमिक पक्ष की ओर से: श्री एस. पी. सिंह
अप्रार्थी की ओर से: श्री एस. के. जैन
दिनांक अवार्ड: 06-2-90

अवार्ड

प्रार्थी श्रमिक शम्भूनाथ भार्गव जिसे तत्पश्चात् प्रार्थी श्रमिक लिखा जायेगा ने यह प्रार्थना पत्र अंतर्गत धारा 33 (ए) औद्योगिक विवाद अधिनियम 1947 जिसे तत्पश्चात् अधिनियम लिखा जायेगा, इस आशय का प्रस्तुत किया है कि उससे संबंधित विवाद माननीय न्यायालय में विचाराधीन रहते हुए अप्रार्थी स्टेट बैंक आफ इण्डिया अजमेर के ब्रांच मैनेजर ने अपने पत्र दिनांक 24 जून-1989 द्वारा उसका छः माह के प्रोवेशन पर डिप्टी हैड कैशियर के पद पर स्थानान्तरण स्टेट बैंक आफ इण्डिया पी.आर. ब्रांच अजमेर में कर दिया। ब्रांच मैनेजर द्वारा जो आदेश जारी किया गया है वह नियम विरुद्ध किया गया है जो धारा 33(ए) अधिनियम के प्रावधानों के विरुद्ध है। राष्ट्रीय प्राधिकरण में जब तक श्रमिक से संबंधित मामला विचाराधीन हो तब तक प्रार्थी के सेवा नियमों में कोई परिवर्तन नहीं किया जा सकता है। अतः

प्रार्थी ने प्रार्थना की है कि अप्रार्थी बैंक जब तक डिप्टी हैड कैशियर को अजमेर ब्रांच से स्थानान्तरित नहीं कर सकती तब तक कि उक्त पद से संबंधित कोई विवाद न्यायालय में विचाराधीन हो। अतः उक्त आदेश निरस्त किया जावे।

2. अप्रार्थी बैंक ने उक्त प्रार्थना पत्र का उत्तर दिनांक 31-7-89 को प्रस्तुत किया जिसमें प्रारम्भिक आपत्तियां उठाते हुए अप्रार्थी बैंक ने कहा है कि स्थानान्तरण करना सेवा नियमों में परिवर्तन करना नहीं कहा जा सकता है। इस कारण यह प्रार्थना पत्र चलने योग्य नहीं है। अप्रार्थी बैंक ने प्रार्थी के प्रार्थना पत्र में कहे कथन अस्वीकार किये हैं और प्रार्थना की कि प्रार्थी पर संबंधित नियम एवं अवार्ड लागू होते हैं और प्रस्तुत प्रार्थना पत्र खारिज करने योग्य है।

3. प्रार्थी प्रतिनिधि श्री एस. पी. सिंह ने दिनांक 16-9-89 को एक प्रार्थना पत्र के साथ राजस्थान उच्च न्यायालय के आदेश की फोटो कापी प्रस्तुत की जिसमें न्यायालय को माननीय उच्च न्यायालय ने प्रार्थन पत्र अंतर्गत धारा 33(ए) अधिनियम में अंतरिम आदेश देने के लिए आदेश दिये हैं। इसके बाद मिसल दिनांक 12-2-90 को उपरोक्त प्रार्थना पत्र पर सुनवाई हेतु निश्चित की गई थी कि अप्रार्थी बैंक के प्रतिनिधि श्री एस. के. जैन ने प्रार्थना पत्र पेश किया जिसमें कहा है कि प्रार्थी उक्त प्रार्थना पत्र को अब चलाना नहीं चाहता है क्योंकि विवाद आपस में तय होकर समाप्त हो गया है। अतः विवाद में "नो डिस्पूट" अवार्ड पारित किया जावे। पक्षकारों की सहमति पर मैं उक्त विवाद में नो डिस्पूट अवार्ड पारित करना उचित समझता हूँ। श्री एस. पी. सिंह श्रमिक प्रार्थी प्रतिनिधि ने भी इस पर अपना कोई एतराज नहीं किया है और इसे स्वीकार कर कहा है कि उक्त विवाद समाप्त हो चुका है अतः उक्त प्रार्थना पत्र में "नो डिस्पूट" अवार्ड पारित कर दिया जावे। अतः उपरोक्त प्रार्थना पत्र के आधार एवं प्रार्थी प्रति निधि की सहमति के आधार पर उक्त विवाद में नो डिस्पूट अवार्ड पारित किया जाता है जिसे वास्ते प्रकाशनार्थ अंतर्गत धारा 17 (1) अधिनियम केन्द्रीय सरकार को भेजा जावे।

प्रताप सिंह यादव, न्यायाधीश

[सं. एल-12015/4/90-आई आर(बी III)]

एस. सी. शर्मा डैस्क अधिकारी

नई दिल्ली, 9 अप्रैल, 1990

का.आ. 1277—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यू.पी. स्टेट सीमेन्ट कारपोरेशन के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 9-4-90 को प्राप्त हुआ था।

New Delhi, the 9th April, 1990

S.O. 1278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.P. State Cement Corporation Ltd. and their workmen, which was received by the Central Government on 9-4-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 80 of 1988

In the matter of dispute between

Sh. Damodar Upadhyaya,
Vice President,
Bhartiya Cement Udyog Mazdoor Sangh,
Dalla Mirzapur,

AND

The General Manager,
U. P. State Cement Corpn. Limited Unit,
Dalla Cement Factory, Dalla Mirzapur.

AWARD

1. The Central Government Ministry of Labour vide its notification No. L-29011/688-D.II(B) dated 30-6-88, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of U. P. State Cement Corporation Limited Unit Dalla Mine in not regularising the services of Shri Gava Prasad as Heavy Equipment Operator (Dozer Operator) w.e.f. 1-1-1987 is legal & justified. If not, to what relief the workman concerned is entitled ?

2. The Industrial Dispute on behalf of the workman has been raised by Bhartiya Cement Udyog Mazdoor Sangh Dalla Mirzapur (hereinafter referred to as Union). The case of the Union is that in the Machinery Section of U. P. State Cement Corporation (hereinafter referred to as Corporation), the workman holds a regular post of Machinery Attendant. Consequent upon the death of Shri C. K. Narain, Heavy Equipment Operator (Dozer Operator) on 2-5-86, the said workman was ordered to work as Dozer Operator under office order dt. 1-4-86 (there appears to be some clerical error in the two dates given in para 3 of the claim statement). The Union alleges that although the workman was entitled to his regular posting as Dozer Operator Gr. V, in the scale of Rs. 650-32-1290, despite his representation he was not given the said regular posting. The Union has therefore, prayed that the management be directed to regularise his posting as Heavy Equipment Operator (Dozer Operator) w.e.f. 1-1-1987.

3. The management admit that the workman is employed as Machinery Attendant in the Mining Depot in the scale of Rs. 533-20-753. The management plead that Shri C. K. Narain Heavy Equipment Operator died on 8-9-85. As a result of his death a vacancy occurred on 8-9-85. As appointment in the vacancy so caused could not be made due to various reasons and it was decided to appoint the workman on the said higher post of Heavy Equipment Operator (Dozer Operator) w.e.f. 1-4-86 on Adhoc/Officiating basis till regular appointment was made in accordance with Rules. As per Award of Arbitration Board for Cement Industry (II Reference) if a worker is called upon to act in a higher post, he would be given the difference between minimum of the scale and the minimum of the higher grade in which he is called upon to act as Acting Allowance. The workman on account of his Adhoc/Officiating appointment as Heavy Equipment Operator (Dozer Operator) has been getting Acting Allowance in accordance with the above rule. The management then plead that the promotions in the higher grade on permanent basis is based on seniority cum-suitability. The workman is not the senior most in his original category. His name ranks much below in the seniority list of the workman belonging to his category. In the

circumstances, it will be wholly illegal if he is permanently promoted as Heavy Equipment Operator (Dozer Operator) without following the established norms. Lastly, it is pleaded by the management that the reference order is bad in law.

4. In the rejoinder it has been alleged by the Union that the order of posting of the workman as Heavy Equipment Operator (Dozer Operator) on officiating basis is in itself wrong. When there was a permanent vacancy there should have been a permanent posting.

5. In support of its case the Union has filed the affidavit of Shri Gava Prasad workman. On the other hand, the management have filed the affidavit of Shri Chhedi Lal Srivastava Chief Time Keeper and a number of documents in support of their case.

6. Ext. M-1 is the copy of office order dt. 29-7-89, promoting the workman from Machinery Attendant Gr. D to Packer man Gr. C Ext. M-2, is the copy of workman's application dated nil for his interview for the post of Dozer Operator Gr. B. In his application he described himself as Harijan Dhobi. Ext. M-3 is the copy of Office order dt. 1-9-89, showing the workman as Dozer Operator Gr. B on terms and conditions mentioned in the order.

7. In para 2 of his statement in his cross examination, the workman has deposed that he received order dt. 1-9-89 on 12-9-89. Then in para 3 of his statement in cross examination he has deposed that now he has no dispute left with the management except that he should be paid his past dues.

8. In para 2 of his affidavit the management witness has referred to the various grades of Heavy Equipment Operator. These according to him are :—

1. Heavy Equipment Operator Gr. B in the pay scale of Rs. 590-20-970.

2. Heavy Equipment Operator Gr. A in the pay scale of Rs. 630-26-1150.

3. Heavy Equipment Operator Gr. V in the pay scale of Rs. 650-32-1290.

In his cross examination the management witness appears to have referred to Gr. V as Gr. IV. It is thus clear from the above facts which remain uncontroverted that Gr. V is the highest grade and Gr. B is the lowest grade of Heavy Equipment Operator. To court question, the management witness has replied that for the last about 14-15 years, 11 persons have been working as Heavy Equipment Operator Gr. A and about 28 persons are working in Gr. V. With regard to Gr. B he has deposed that only 5 persons are working in it and that amongst five persons Shri Gava Prasad workman is the senior most. In his further cross examination by the authorised representative for the Union he has referred to the jobs of persons working in these three grades. From the jobs about which he has referred it is clear that jobs of the persons working in the 3 grades are different.

9. Gr. V being the highest grade of Heavy Equipment Operator upon the death of Shri C. K. Narain, Heavy Equipment Operator Gr. 5, the workman could not have been directly promoted to Gr. V in the presence of so many seniors working even in Gr. A. Moreover, now the matter sets at rest in view of the own statement of the workman in his cross examination that after his appointment in Gr. B, he has been left with no dispute with the management.

10. The only question to be examined is whether he is entitled to any back wages or not. The defence set up by the management is that where a person is appointed on adhoc basis to a higher post, he simply becomes entitled to payment of difference between the minimum of the scale and the maximum of the higher grade in which he is called to act. The management has taken the plea that this difference which is popularly known as acting allowance, has been paid to the workman. The management has got this fact corroborated from the management witness Shri Chhedi Lal, Chief Time Keeper. The management have also filed the copy of extracts from the said Award. It is ext. M-7.

11. The authorised representative for the Union during the course of his arguments, could not show that adhoc appointments are not permissible under Rules or Certified Standing Orders of the Corporation. In the circumstances, the workman cannot be regularised in the post of even Heavy Equipment Operator Gr. B w.e.f. 1-1-1987. In terms of order dt. 1-9-87, copy Ext. M-3, he still holds the post of Heavy Equipment Operator Gr. B temporarily, he has not yet been confirmed even in the said post. Hence, the action of the management of U. P. State Cement Corporation Limited Dalla Mines, in not regularising the services of Shri Gaya Prasad workman as Heavy Equipment Operator (Dozer Operator) w.e.f. 1-1-1987, is neither illegal nor unjustified. Consequently, the workman is entitled to no relief.

12. The reference is answered accordingly.

ARJAN, DEV, Presiding Officer
[No. L-29011/6/88-D.III(B)]

Dt. 27-3-1990.

का.आ. 1279.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार य. पी. स्टेट सीमेन्ट कारपोरेशन लि. के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-90 को प्राप्त हुआ था।

S.O. 1279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.P. State Cement Corporation Ltd. and their workmen, which was received by the Central Government on 9-4-90.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 92 of 1988

In the matter of dispute between :

Shri Kamla Prasad,
Clo. Shri Damodar Upadhyaya,
Bhartiya Cement Udyog Mazdoor Sangh,
Dalla Mirzapur.

AND

The General Manager,
U. P. State Cement Corporation Limited.,
Unit Dalla Cement Factory, Dallah,
Mirzapur

AWARD

1. The Central Government Ministry of Labour, vide its notification no. L-29011/8/88-D.3(B) dated 19-7-88, has referred the following dispute for adjudication to this Tribunal :—

Kya U. P. State Cement Corporation Limited ke Swamitva wali Dala Lime Stone Mine ke Prabandhantra ki namitik karamkar Shri Kamla Prasad ki Sewayen 9-10-86 se Samapt karne ki karwahi vaidya aur Nyayochit hai ? Yadi nahi to Sambandhit Karamkar his anutosh ka haqdar hai ?

2. The workman's case in brief is that he was engaged as a casual labour on 9-11-72. According to him he is governed by Certified Standing Orders of U. P. State Cement Corporation Limited (hereinafter referred to as Corporation). He alleges that on 3-8-86 all of sudden he became unwell. On 7-8-86, he sent an application for leave under postal certificate from 4-8-86 to 31-8-86. Since he continued under medical treatment till 13-11-86 he presented himself for duty on 14-11-86, but he was not taken on duty. Rather

he was informed that his services had been terminated some time in October, 1986. Thereafter he made representations to the General Manager on 15-11-86 and 10-12-86, but in vain. According to him before terminating his services the management did not comply with the provisions of section 25N I.D. Act. The order of termination, is therefore, illegal. He has, therefore, prayed that he should be reinstated with full back wages.

3. The management plead that the workman was registered in the category of casual workers in Unit Dalla Cement Factory Mirzapur. During 1985-86, the workman used to keep ill health with the result that he sparingly offered himself for casual work and w.e.f. 3-8-86 he stopped coming without any information. Even his whereabouts could be known for more than two months. During the period October 1985 to October 1986 he worked only for 94 days as per details given in para 8 of the written statement. It was for the first time on 14-11-86 that the workman came to time office and informed that he had been keeping ill health for long and since he had recovered from his illness to some extent he could do some physical work. On that he was informed that since his registration as casual worker had already been cancelled, the only alternative left with the management was to register his name as a fresh casual worker on old term and conditions to which the workman did not agree and went away saying that he could get some gainful engagement else where. It is learnt that as a result of cancellation of his registration as casual labour he did not suffer any evil consequences as he remained engaged in some gainful occupation.

4. Lastly, the management pleaded that in his application dt. 28-3-87 moved before ALC(C) Allahabad, it was alleged by the workman that his name was registered in the Corporation as Casual Worker on 9-11-72, and that on 15-5-73, he was transferred to mines. Hence, he is entitled to no relief.

5. In support of his case, the workman has filed his own affidavit and a few documents, on the other hand, in support of their case, the management have filed the affidavit of Shri Chheh Lal and a few documents.

6. In para 1 of his affidavit the workman has deposed that he was engaged as a casual labour on 9-11-72 and was transferred to Dalla Mines on 15-5-73. These facts have been admitted by the management witness in para 3 of his affidavit dt. 2-11-89.

7. It has been argued by the authorised representative for the management that the question of non compliance of section 25F I.D. Act does not arise in this case. It is True. Even no such question has been raised by the workman in the main petition. From document Ext. M-1 to M-15, which are copies of attendance register and pay sheets it is evident that during 12 preceeding months from 9-10-86, the workman had worked only for 94 days. Being a casual worker and having not worked continuously for 240 days within the meaning of section 25B I.D. Act, the question of compliance of section 25F I.D. Act does not arise at all.

8. The case which in fact has been set up by the workman is that on 7-8-86 he sent an application under postal certificate for leave from 4-8-86 to 31-8-86. After he had recovered he presented himself for duty on 14-11-86, when he was informed that his services had been terminated some time on October 1986. The management have denied that any such application for leave was ever sent by the workman.

9. Let us assume for the sake of argument that what the workman has said is true. Admittedly the workman presented himself for duty on 14-11-86. There is no evidence from his side worth reliance that he ever applied for extension of his leave. Now let us see what the Standing Orders say in this regard. Ext. M-16 is the copy of schedule I to the Standing Orders. Rule 9, deals with leave. Sub Para 3 lays down that where a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his job on his appointment unless he (a) returns within 8 days of the expiry of the leave and (b) explains to the satisfaction of the employer or the officer specified in this behalf by the employer his inability to

return before the expiry of his leave. In case, the workman loses his lien on his appointment, he would be entitled to be kept on the Badli List. Thus from the facts of the case it becomes clear that he lost his lien as a registered casual labour. He was only entitled to be kept on the Badli List. Ext. M-21 is the copy of report dt. 8-10-86 addressed to the General Manager in which it is stated that the workman had been absent since 3-8-86 and Ext. M-22 is the copy of order dt. 10-10-86 of the Personnel Officer striking of the name of the workman from the registered list of casual labour w.e.f. 9-10-86. In the circumstances, the action of the management cannot be held as illegal or unjustified.

10. From the facts pleaded in para 10 of the written statement it appears that an offer was made to the workman that if he desires his name as casual labour could be registered a fresh. In para 5 and 8 of the written statement the management themselves have pleaded that the workman had not been keeping good and so could work only for 94 days during the period of 12 months preceding 9-10-86. Thus it becomes evident that the workman's absence from work was not intentional or deliberate. Because of his ill health he was prevented from returning himself for duty.

11. No doubt ignorance of standing orders like ignorance of law is no excuse, but in actual life it remains simply a fiction. Even those who deal with the law cannot claim to know all the law. The workman was after all a casual labour. He is an old employee of the management who got himself registered as a casual labour as back as on 9-11-72.

12. In the circumstances of the case, while holding the action of the management as legal and justified, I wish that the management should take a sympathetic view in the case of the present workman and if possible take him in service as a casual labour restoring his position in the list of casual labour.

13. The reference is answered accordingly.
Dt. 28-3-90

ARJAN DEV, Presiding Officer
[No. L-29011/8/88-D.III(B)]

का.धा. 1280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण के केन्द्रीय सरकार यू.पी. स्टेट सीमेन्ट कारपोरेशन लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-90 को प्राप्त हुआ था।

S.O. 1280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the annexure, in the industrial dispute between the employers in relation to the management of U.P. State Cement Corporation Ltd. and their workmen, which was received by the Central Government on 9-4-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 91 of 1988

In the matter of dispute between :

Shri Raj Kumar C/o Shri Damodar Unadhavaya, Vice President, Bhartiya Cement Udyog Mazdoor Sangh, District Mirzapur.

AND

General Manager, U.P. State Cement Corporation District Cement Factory, District Mirzapur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-29012/43/87-D-3(B) dated 18-7-88 has referred the following dispute for adjudication to this Tribunal: 1083 GI/90-6

Kya U.P. State Cement Corporation Ltd. Unit Dalla Mines ka Prabandhantra ki bhooturva Cr. Crusher Operator (C) Shri Raj Kumar ki 14-7-86 se seva-yen ko samapat karne ki karwai nayauchi hai? Yadi nahi to karamkar kis anutosh ka haqdar hai ?

2. The workman's case in short is that he had been in the service of U.P. State Cement Corporation Ltd., as Operator C in the New Crusher Mines since 1-11-71. He alleges that on 13-7-86 he was taken into custody by Chopen Police and thereafter he was held in illegal detention by the police. Under the order of Chief Judicial Magistrate, Mirzapur, he was remanded to judicial custody on 23-7-86. However, he was granted bail by the Hon'ble High Court of Allahabad on 20-10-86 and in pursuance of it he could get his release from jail on 25-10-86. On 26-10-86 when he presented himself for duty, he was informed that his services had already been terminated w.e.f. 14-7-86. On hearing about it he made a representation to the M.D. on 27-10-86 and even personally met the Managing Director on 6-12-86 and on 10-12-86 in this connection but in vain. His second representation dt. 12-12-86 addressed to the Managing Director also produce no fruitful result. Later on vide their letter dt. 21-4-87, the management informed him that his services had been terminated w.e.f. 14-7-86. According to him, the order of termination is illegal. It was also passed in violation of the provisions of Sec. 25N of U.P. I.D. Act, 1947. He has, therefore, prayed that the said order be set aside and he be reinstated in service with full back wages.

3. The management pleaded that since the workman was engaged as a Crusher Operator in the New Crusher which is outside the Mining Area. The Mines Act is not applicable to it and consequently the Appropriate Government to make the reference is the State Government and not the Central Government. According to the management the workman absented himself without leave w.e.f. 14-7-86. Therefore, his case is one of abandonment of employment and not discharge from service w.e.f. 14-7-86. Even if it is assumed that the striking off his name from the muster roll amounts to his retrenchment, even then also no right accrues to the workman as he had worked only for 29 days during the period January, 1986 to April, 1987. Hence, the workman is entitled to no relief.

4. In support of their respective cases parties have led oral documentary evidence.

5. Ext. M-5, is the copy of office order dt. 12-8-86 of the General Manager. The order is to the effect that the services of the workman on account of his continuous absence w.e.f. 14-7-86, it came to an end from that date under para 16(7)(a) of the Standing Orders. Ext. W-3, is the copy of registered letter dt. 21-4-87 from the Manager Personnel to the workman informing him that under para 16(8) of the Standing Orders of the Factory his name had been struck off from the muster roll and his services terminated on account of his continuous absence from 14-7-86. Ext. M-1 is the copy of Standing Orders of the U.P. State Cement Corporation Limited. Paras 16.7 and 16.8 read as under:—

Para 16(7)

In the event of a workman remaining absent in excess of the period of sanctioned leave, he shall cease to be in employment unless—

(a) he returns within eight days of the expiry of the period, and

(b) explains to the satisfaction of the employer after reasons of his inability to join his duty after expiry of the leave.

In case he satisfies both the above conditions and he is taken in employment, the period of his absence in excess of the sanctioned leave shall be treated as leave, if due or as leave without pay, if not due.

Para 16(8)

In the event of a workman remaining absent without leave, he shall cease to be in employment unless—

(a) he returns within three days from the date his absence begins; and

(b) explains to the satisfaction of the employer the reasons of his absence.

In case he satisfies both the above conditions and he is taken in employment, the period of absence shall be treated as leave, if due or as leave without pay, if not due.

To show that his absence was not deliberate as contemplated by the above said paras of the Standing Orders, the workman has led evidence to the effect that in fact he was taken into custody by Chopen Police on 13-7-86 and kept under illegal detention till such time as he was remanded to judicial custody by C. J. M. Mirzapur. He has further led evidence to the effect that on bail being granted to him on 20-10-86, by the Hon'ble High Court, Allahabad, he was released from Jail, on 25-10-86.

4. Ext. W-4 is the copy of application dt. 21-7-86, moved on his behalf before the CJM Mirzapur, for his release on bail. Ext. W-1 is the copy of order dt. 20-10-86 of the Hon'ble High Court releasing him on bail in case crime no. 143 of 1986 under sec. 302 and 201 IPC P. S. Chopen, District Mirzapur. Thus by his oral and documentary evidence he has proved the fact that in fact he was arrested by the police and that he could get his release on bail on 25-10-86. Ext. W-2 is the copy of application dated nil of the workman addressed to Chief Manager. From the endorsement it appears that it was received in the office of Chief Manager on 12-12-86. The document has been admitted by the authorised representative of the management. The above facts are found mentioned in this application.

5. From the above discussion of evidence, the facts which stand proved are that on account of his arrest by police of P. S. Chopen, District Mirzapur, the workman could not present himself for duty before 26-10-86. The management witness is Shri Chhedi Lal Srivastava, Chief Time Keeper in the corroboration. In para 17 of his affidavit he has deposed that workman saw him (Chhedi Lal Srivastava) on 25-10-86 when he (workman) was informed that his name had been kept in the Badli List as New Crusher Operator (C) Grade w.e.f. 13-8-86. The management witness has further deposed that on hearing that, the workman went away saying that he was busy in pairvi in his personal criminal case and that he would come back for work as Badli worker only after the criminal case against him was finalised. No such case of Badli worker has been set up by the management in the written statement. Even no question on facts stated in the said para were put to the workman while he was in the witness box. Therefore, this case of the management cannot be believed.

6. The question is whether to the facts of the present case Para 16(7) or Para 16(8) of the Standing Orders apply or not. In my opinion the case of the workman is not covered by these two sub paras. His case is covered by Para 36 which is on the point of subsistence allowance to be paid during the suspension period and Para 14(4) of Schedule I of the Standing Orders on the subject of Disciplinary Action for misconduct.

7. Para 36(b) lays down that where the inquiry against the workman is being made by an outside agency, or where criminal proceedings against the workman are under investigation or pending in any court of law, as the case may be, the subsistence allowance shall be equal to 3/4th of his aforesaid wages.

8. Para 14(4) (i) (b) of Schedule I lays down that where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension, he may, by order in writing suspend him w.e.f. such date as may be specified in the order. The workman who is so placed under suspension shall be paid subsistence allowance in accordance with the provisions of section 10(A) of the Act.

9. Thus it becomes clear from the above provisions of the Standing Orders that in a case like the present one, the proper order in the utmost could have been one of suspension and not of striking off his name from the muster roll. As observed earlier by me it was not a case of deliberate absence. On account of his having been arrested by the police he was prevented by forces beyond his control to report for duty on 14-7-86.

10. Therefore, the order terminating his services w.e.f. 14-7-86 cannot be sustained. It is illegal and unjustified. The workman is reinstated with full back wages and continuity of service. However, it will be open to the management to place him under suspension and pay him subsistence allowance as per standing orders on account of the criminal case u/s 302/201 IPC pending against him.

DL 19-3-90.

ARJAN DEV, Presiding Officer
[No. L-29012/43/87-D.III(B)]

नई दिल्ली, 16 अप्रैल, 1990

का. आ. 1281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्गण में केन्द्रीय सरकार में. मिनरल एक्सप्लोरेशन कारपोरेशन लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 11-4-90 को प्राप्त हुआ था।

New Delhi, the 16th April, 1990

S.O. 1281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Mineral Exploration Corporation Ltd. and their workmen, which was received by the Central Government on 11th April, 1990.

परिणित

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर
(कैप उदयपुर)

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर.एच.
जे.एस. केम नं. सी.आई.टी. 48/88

मध्य

अजीज खां पुत्र श्री हिस्मत खान मार्फत अखिल भारतीय
जस्ता उत्पादन श्रमिक संघ, उदयपुर।

एवं

1. परियोजना प्रबंधक, मिनरल एक्सप्लोरेशन कारपो-
रेशन जावर माईन्स, उदयपुर।

2. जनरल मैनेजर हिन्दुस्तान जिक जावर माईन्स,
[उदयपुर।

रैफरेंस अंतर्गत धारा 10(1)(घ) औद्योगिक विवाद
अधिनियम 1947।

उपस्थिति

श्रमिक यूनियन की ओर से : श्री जयंती लाल शाह
नियोजक अप्रार्थीगण की ओर से : श्री बी.एल. सरप्रिया
दिनांक अर्वाइ : 12-1-90 (कैप उदयपुर)

अर्वाइ

भारत सरकार के श्रम मंत्रालय के डैस्क अधिकारी ने उनके आदेश सं. एल-29012/6/88-डी-3 (बी) दिनांक 14-6-88 के द्वारा निम्न विवाद इस न्यायाधिकरण को अंतर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947, जिसे तत्पश्चात् अधिनियम लिखा जायेगा, वास्ते अधिनिर्णयार्थ भेजा है—

“क्या मै. मिनरल एक्सप्लोरेशन कारपोरेशन लि., जावर माईन्स, उदयपुर के प्रबंधन की श्री अजीज खान

यू जी एस-3 केट कामगार को जाबर माइन्स उदयपुर से बसंतगढ़ प्रोजेक्ट को स्थानान्तरित करने और कामगार द्वारा 14-11-1986 को प्रस्तुत सशर्त त्यागपत्र को प्रबंधन के पत्र दिनांक 16-8-1987 के तहत 20-1-87 से भूतनक्षी प्रभाव से जबकि कामगार ने दिनांक 8-8-87 के अपने तार के तहत त्यागपत्र वापिस ले लिया था इसे स्वीकार किये जाने की कार्यवाही सही, उचित तथा वैधानिक है? यदि नहीं तो संबंधित कामगार किस अनुतोष का हकदार है?"

2. बाद प्राप्ति निर्देशन इसे इस न्यायाधिकरण में पंजीकृत किया गया। उभय पक्षकारान को नोटिस जारी किये गये। प्रार्थी श्रमिक अब्दुल मजीद खां की ओर से संयुक्त मंत्री अखिल भारतीय जस्ता उत्पादक श्रमिक संघ, उदयपुर ने स्टेटमेंट आफ क्लेम संक्षिप्त में निम्न प्रकार से पेश किया। यह कि प्रार्थी श्रमिक अजीज खां अप्रार्थी सं.-1 के संस्थान में दिनांक 9 अक्टूबर 1974 को मिनरल एक्सप्लोरेशन कारपोरेशन, उदयपुर द्वारा नियोजित किया गया था। जो हिन्दुस्तान जिंक लि. का कार्य ठेके पर करते हैं। विपक्षी ने प्रार्थी श्रमिक अजीज खां को दिनांक 13-3-78 से सेवा से छंटनी कर दी थी परन्तु दो माह पश्चात उसे दिनांक 13-5-78 से पुनः सेवा में रखे लिया गया। यह कि प्रार्थी श्रमिक उसकी सेवा 9-10-74 से माने जाने हेतु कार्यवाही करता रहा और इसके परिणामस्वरूप कार्यालय आदेश क्रमांक 7365 दिनांक 8-7-83 के द्वारा उसकी सेवायें दिनांक 9-10-74 से लगातार मानी गई। आगे यह जाहिर आया कि प्रार्थी श्रमिक अजीज खां के पास ब्लास्टर का प्रमाणपत्र था जो प्रमाणपत्र उसे 13-8-84 से हासिल हुआ था। तत्पश्चात वह ब्लास्टर का कार्य करने लगा दिनांक 7-12-81 को प्रबंधक अप्रार्थी ने उसे ब्लास्टर के पद पर नियुक्त किया और वह 15-10-84 तक इस पद पर कार्य करता रहा उसे वेतन यद्यपि ब्लास्टर के पद का नहीं दिया है आगे यह भी जाहिर किया कि दिनांक 3-6-82 से ब्लास्टर के पद के लिए प्रार्थना पत्र आमंत्रित किये गये। तत्पश्चात प्रार्थी श्रमिक को ब्लास्टर के पद के लिए कन्सीडर न करके उससे कनिष्ठ व्यक्तियों को ब्लास्टर बना दिया गया तत्पश्चात प्रार्थी श्रमिक को 16-10-84 से माईनिंग मेट का काम दिया गया और उसे दिनांक 3-1-86 को मेट के पद से हटाकर साधारण मजदूर का काम दिया गया और जो माईनिंग मेट का काम किया उसका वेतन उसे नहीं दिया गया। तत्पश्चात प्रार्थी श्रमिक ने दिनांक 14-11-86 को अपना इस्तीफा दिया जो इस्तीफा दिनांक 16-8-87 को पीछे की तारीख यानि 20-1-87 से स्वीकार किया गया। इससे पहले ही प्रार्थी श्रमिक ने अपने तार दिनांक 8-8-87 के द्वारा अपना इस्तीफा वापिस लेने के लिए भेजा था इस प्रकार यह व्यक्त किया गया कि प्रार्थी-श्रमिक का इस्तीफा स्वीकार होने से पहले उसने बिड़वा कर लिया था और इस प्रकार उसका इस्तीफा स्वीकार करने का प्रश्न ही नहीं उठता था और इस संबंध में यह भी जाहिर किया कि प्रार्थी श्रमिक का इस्तीफा सशर्त त्याग

पत्र था। जिसे स्वेच्छा से त्याग पत्र देना नहीं कहा जा सकता। इस प्रकार त्याग पत्र स्वीकार करने के फलस्वरूप प्रार्थी श्रमिक की सेवार्थ समाप्त की गई यह अवैध कार्यवाही थी। और प्रार्थी श्रमिक की सेवा समाप्ति से पूर्व की गई कार्यवाही अवैध होने से उसकी सेवा समाप्ति करने में धारा 25 (एफ) औद्योगिक विवाद अधिनियम 1947 का उल्लंघन किया जाना पाया जाता है। अंत में प्रार्थना की कि प्रार्थी अजीज खां को पुनः पिछले पूरे वेतन सहित सेवा में वाहाल किया जाये और 13-8-81 से ब्लास्टर के पद का वेतन दिनांक 16-10-84 से माईनिंग मेट का वेतन बिनाया जावे। उपरोक्त तथ्यों को चुनौती देने हुए प्रोजेक्ट मैनेजर मिनरल एक्सप्लोरेशन कारपोरेशन लि. जाबर माइन्स के अधिकारी श्री एस. बोस ने स्टेटमेंट आफ क्लेम का उत्तर दिनांक 23-12-88 को प्रस्तुत किया जिसमें कुछ तथ्यों को निम्न प्रकार से स्वीकार किया। यह कि विपक्षी संस्थान में अप्रार्थी सं. 2 को ठेके के कार्य हेतु प्रार्थी श्रमिक को दिनांक 9-10-74 को अनाल्कलड कन्टेनमेंट वर्कर्स की श्रेणी में रखा था। विपक्षी सं. 1 का विपक्षी सं. 2 को बलारिया माईन्स में कार्य करने का ठेका दिनांक 31-7-86 को कार्य पूर्ण होने पर समाप्त हो गया। आगे यह व्यक्त किया कि प्रार्थी का तत्समय कान्ट्रैक्ट वर्क समाप्त होने पर नियमानुसार छंटनी मुआवजा देकर दिनांक 13-3-73 से सेवा मुक्त किया गया किन्तु बाद में दिनांक 13-5-78 से पुनः विपक्षी सं. 2 से उक्त ठेके पर कार्य मिलने पर पुनः सेवा में रख लिया गया। प्रार्थी ने छंटनी मुआवजा वापिस नहीं किया। प्रार्थी 13-5-78 से ही नियुक्ति के आधार पर सेवा में माना गया। प्रार्थी को एक वर्ष पश्चात केटोरी 3 में सेफिण्ड वेज एग्रीमेंट के आधार पर 1-1-84 से लिया गया। प्रार्थी को ड्रिलमैन का पद प्रस्तावित किया जो ब्लास्टर के सामान्य था किन्तु प्रार्थी ने स्वीकार नहीं किया। दिनांक 1-1-84 से ब्लास्टर का पद प्रार्थी की वरिष्ठता के आधार पर दिया गया था। प्रार्थी ने दिनांक 17-4-86 को माईनिंग अटैन्डेंट कम हेल्पर के पद पर रेग्यूलर नियुक्ति का प्रस्ताव किया जिसे भी प्रार्थी ने स्वीकार नहीं किया, अतः रेग्यूलर केडर का वेतनमान वह प्राप्त करने का अधिकारी नहीं है। चूकि पक्षकारान के मध्य स्वेच्छा से वाहमी समझौता समाप्त हो गया है इसलिए अप्रार्थी नियोजक के द्वारा लिखे गये तथ्य विस्तृत तथा लिखने की आवश्यकता नहीं है। दिनांक 25-3-89 का प्रार्थी की ओर से रिजोइण्डर पेश किया गया।

3. प्रार्थी श्रमिक ने अपने स्टेटमेंट आफ क्लेम की सम्पुष्टि में स्वयं का शपथ पत्र प्रस्तुत किया जिसे न्यायाधिकरण में सत्यापित किया गया। अप्रार्थी नियोजक की ओर से श्रमिक से जिरह की गई। नियोजक की ओर से श्री एस. बोस ने अपना शपथ पत्र पेश किया। जिसे न्यायाधिकरण द्वारा सत्यापित किया गया और प्रार्थी श्रमिक के अधिकृत प्रतिनिधि ने श्री एस. बोस से जिरह की। कल उभय पक्षकारान की जहस प्रारम्भ हुई जो नातमाम रही। आज बहस प्रारम्भ होने से पूर्व ही उभय पक्षकारान ने

समझौता इस आशय का प्रस्तुत किया यह कि अजीज का विपक्षी संस्थान में सेवा में बहाल होने की प्रार्थना को छोड़ता है। तथा इस बात से सहमत है कि उसकी सेवा अर्थात् दिनांक 13-5-78 से दिनांक 31-12-86 तक का छंटनी का मुआवजा, डेय्यूटी, भविष्य निधि, बोनस, बकाया अवकाश आदि का भुगतान दे दिया जावे। यह कि उपरोक्त भुगतान के बाद इस विवाद से संबंधित प्रार्थी का कोई क्लेम शेष नहीं रहता है। अतः इस आधार पर अवार्ड पारित किया जावे।

4. अपरोक्त आशय का सैटिलमेंट प्रार्थी श्रमिक स्वयं उनके अधिकृत प्रतिनिधि श्री जे.एल. शाह व अप्रार्थी नियोजक के वकील श्री बी.एल. सरप्रिया ने पेश किया। समझौता पेश होने पर पढ़कर सुनाया व समझाया गया, समझौता सही होना स्वीकार करने पर उसे तस्वीक किया गया। चूंकि समझौता रैफरेंस की परिधि में है और समझौते को स्वेच्छा से करना उभय पक्षकारान ने स्वीकार किया है। ऐसी सूरत में समझौते को आधार पर अवार्ड पारित किया जाना अचित एवं न्यायसंगत होगा अतः आज्ञा है कि बाहरी समझौते के आधार पर पारित किया जाता है। समझौता अवार्ड का अंग रहेगा। इस अवार्ड की प्रतिलिपि केन्द्रीय सरकार को प्रकाशनार्थ हेतु अंतर्गत धारा 17 (1) अधिनियम भेजी जावे।

आज दिनांक 12-1-90 को उदयपुर (कैप) पर उक्त आशय का पंचाट जारी किया गया।

प्रताप सिंह यादव, न्यायाधीश
[सं. एल.-29012/6/88-डी. (III) बी]

का.आ. 1282. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम, जयपुर के प्रबन्धन के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

S.O. 1282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Jai-kumar Panthula Jain, Mine owners and their workmen, which was received by the Central Government on 11th April, 1990.

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर.एच.
जे.एस. केम नं. सी.आई.टी.-II/83।

मध्य

श्री जोगेन्द्र सिंह भाटी मार्फत सरावगी मेडिकल
स्टोर, सी.बी.एम. हॉस्पिटल रोड, बीकानेर।

—प्रार्थी

एवं

डिप्टी रीजनल डायरेक्टर, कर्मचारी राज्य बीमा
निगम, एसिक भवन, भवानी सिंह रोड, जयपुर।

—अप्रार्थी

रैफरेंस अंतर्गत धारा 10(1)(डी) औद्योगिक
विवाद अधिनियम 1947।

उपस्थिति

प्रार्थी की ओर से : श्री जयंती लाल शाह
अप्रार्थी नियोजक की ओर से : श्री जे.पी. गुप्ता
दिनांक अवार्ड : 30-12-89

अवार्ड

केन्द्र सरकार के श्रम मंत्रालय के डैस्क अधिकारी ने उनकी अधिसूचना सं. एल. 15012 (2)/82-डी-2 (बी) दिनांक 2-8-83 के द्वारा यह विवाद इस न्यायाधिकरण को वास्ते अधिनिर्णय अंतर्गत धारा 10(1) (डी) औद्योगिक विवाद अधिनियम 1947, जिसे तत्पश्चात अधिनियम लिखा जायेगा, प्रेषित किया है :

"Whether the termination of services of Shri Johinde Singh Bhati Class IV employee of ESIC Jaipur is justified? If not, to what relief the workman is entitled to?"

2. बाद प्राप्ति निर्देशन इसे इस न्यायाधिकरण में पंजीकृत किया गया। पक्षकारान को नोटिस जारी किये गये। प्रार्थी के अधिकृत प्रतिनिधि श्री जयंतीलाल शाह एवं अप्रार्थी के अधिकृत अधिवक्ता श्री जे.पी. गुप्ता उपस्थित हुए। प्रार्थी प्रतिनिधि ने स्टेटमेंट आफ क्लेम निम्न से पेश किया गया कि प्रार्थी की नियुक्ति चतुर्थ श्रेणी कर्मचारी के पद पर विपक्षी निगम में बीकानेर में डिप्टी रीजनल डायरेक्टर, ई.एस.आई. जयपुर के आदेश क्रमांक आर/2-13/4-77 हस्ते दिनांक 30-8-78 के द्वारा की गई थी और दिनांक 11-9-78 को बीकानेर विपक्षी के कार्यालय में ड्यूटी ज्वाइन की थी। आगे यह व्यक्त किया कि प्रार्थी का कार्य व पद स्थाई था। प्रार्थी को हर तीन माह में 2-4 दिन का ब्रेक देकर नियुक्ति दी जाती रही है और इस प्रकार प्रार्थी ने बीकानेर कार्यालय में 11-9-78 से लेकर दिनांक 27-8-80 तक लगातार कार्य किया है। यह कि प्रार्थी का कार्य संतोषप्रद रहा है। प्रार्थी ने आगे व्यक्त किया कि उसे व्यवस्थापक कर्मचारी राज्य बीमा निगम, बीकानेर द्वारा उनके आवेश क्रमांक बीका/स्थापना/2 (3) 78-3483 दिनांक 27-8-80 के द्वारा उसी तिथि से सेवा से पृथक् कर दिया। आगे यह भी जाहिर किया कि उसने विपक्षी निगम को अपने पत्र दिनांक 25-9-80 व 26-9-80 के द्वारा सेवा में बहाल करने की मांग की लेकिन विपक्षी निगम ने प्रार्थी के पत्रों का कोई जवाब नहीं दिया। प्रार्थी ने आगे यह व्यक्त किया कि इसके बाद प्रार्थी ने अनेक रोखा मुक्ति का विवाद श्रम एवं प्रबंधन अधिकारी (केन्द्र) गंगाशहर रोड बीकानेर के समक्ष पेश किया लेकिन विपक्षी निगम की ओर से समझौता वार्ता में कोई उपस्थित नहीं हुआ। इस कारण केन्द्र सरकार ने

यह विवाद इस न्यायाधिकरण में न्याय निर्णयन हेतु प्रेषित किया है। प्रार्थी जोगेन्द्र सिंह भाटी ने अपने स्टेटमेंट आफ क्लेम में सेवा मुक्ति को निम्न आधारों पर अवैध, बदनियती पूर्ण न्याय से नैसर्गिक सिद्धान्तों के विपरीत एवं अनफेयर लेबर प्रैक्टिस एवं विक्टिमाइजेशन करार देते हुए यह व्यक्त किया कि प्रार्थी की नियुक्ति नियोजक कार्यालय के माध्यम से चतुर्थ श्रेणी कर्मचारी के रिक्त पद पर की गई थी? प्रार्थी का कार्य व पद स्थाई था। प्रार्थी ने आगे यह जाहिर किया कि उसने कई बार उसे स्थाई किये जाने हेतु विपक्षी निगम को निवेदन किया लेकिन उसकी सेवा अवधि हर तीसरे माह 2-4 दिन का ब्रेक दे देकर बढ़ाई जाती रही है जो ऐसा करना स्थाई होने के हक को अवैध रूप से वंचित किया गया है इस प्रकार यह कार्य अनफेयर लेबर प्रैक्टिस की संज्ञा में आता है। प्रार्थी ने आगे व्यक्त किया कि उसने कनिष्ठ कर्मचारियों को जो कि सर्वश्री इकराम मोहम्मद, ओमप्रकाश और रामेश्वर हैं सेवा मुक्त न कर उन्हें स्थाई कर दिया गया। यह भी जाहिर किया कि प्रार्थी ने नियुक्ति के एक कलेंडर वर्ष में 240 दिन से अधिक कार्य किया है। उसकी सेवा मुक्ति छंटनी की परिभाषा में आती है। उसे सेवा मुक्त करने के पूर्व एक माह का नोटिस अथवा उसकी एवज में एक माह का वेतन नहीं दिया गया और न ही उसे छंटनी का मुआवजा दिया गया। इस प्रकार प्रार्थी की सेवा मुक्ति औद्योगिक विवाद अधिनियम 1947 की धारा 25 (एफ) के प्रावधानों के विपरीत होने के कारण अवैध है। प्रार्थी ने यह भी व्यक्त किया है कि उसकी सेवा मुक्ति व्यवस्थापक कर्मचारी राज्य बीमा निगम बीकानेर द्वारा की गई है जो एक सक्षम अधिकारी नहीं है। इसके साथ प्रार्थी ने यह भी व्यक्त किया कि वह अकारण एवं अचानक सेवा मुक्ति से बेरोजगार हो गया है तथा आंतर एज हो जाने के कारण उसे कहीं रोजगार भी मिल पाना असम्भव हो गया है। अंत में प्रार्थी ने निवेदन किया कि उसकी सेवा मुक्ति आदेश को निरस्त फरमाया जावे तथा पिछली पूरी तनखाह, सेवाओं एवं समस्त देय सुविधाओं सहित सेवा में बहाल किया जावे एवं खर्चा मुकदमा भी दिलाया जावे।

3. अप्रार्थी विपक्षी निगम की ओर स्टेटमेंट आफ क्लेम का जवाब पेश किया गया। अप्रार्थी निगम ने प्रारंभिक आपत्तियां इस आशय की उठाई कि ई.एस.आई. कारपोरेशन एक बोडी कारपोरेट संस्था है जिसके खिलाफ दावा लाया जा सकता है और यह मुकदमा भी चला सकती है। मगर मौजूदा विवाद में ई.एस.आई. कारपोरेशन को पार्टी नहीं बनाया गया है इसलिए यह विवाद नहीं चल सकता। दूसरे यह एतराज किया कि ई.एस.आई. एक औद्योगिक अधिनियम के तहत एक "अद्योग" की परिभाषा में नहीं आती है और प्रार्थी "श्रमिक" की परिभाषा में नहीं आता है। इसलिए जो रेफरेंस इस न्यायाधिकरण को भेजा गया है वह कानूनी दृष्टि से "वैध इन ला" है और इसी कारण से प्रार्थी का क्लेम निरस्त किया जाने योग्य है। यह कि निर्देशन श्री महेश्वर भूषण शर्मा तत्कालीन जज के वास्ते न्याय निर्णय

के लिए भेजा गया है जो इस समय इस न्यायाधिकरण के जज नहीं है। बिना निर्देशन में संशोधन किया गया विवाद श्रम नहीं चल सकता। पैराग्राफ 2 उत्तर देते हुए अप्रार्थी की ओर यह तो स्वीकार किया गया कि प्रार्थी श्रमिक को दिनांक 30-8-78 के आदेश से नियुक्त किया गया बाकी तथ्यों को इंकार किया और यह जाहिर किया कि प्रार्थी श्रमिक को 8-11-78 तक के लिए एक अस्थायी पिओन के रूप में नियुक्त किया गया था जिसकी सेवा 9-11-78 को दोपहर बाद समाप्त हो जानी थी। इस प्रकार उसकी नियुक्ति एक निश्चित अवधि के लिए की गई थी। आगे यह इंकार किया कि प्रार्थी ने 11-9-7 से लगातार 27-8-80 तक कार्य किया हो। उस समय अप्रार्थी निगम के स्थानीय आफिस में चतुर्थ श्रेणी कर्मचारी का कोई रिक्त पद नहीं था। क्षेत्रीय निदेशक राजस्थान जयपुर के पत्र दिनांक 26-6-80 के द्वारा बीकानेर के प्रबंधक को इस बात का परामर्श दिया गया था कि प्रार्थी श्रमिक जोगेन्द्र सिंह भाटी चतुर्थ श्रेणी कर्मचारी के पद पर नियमित नहीं किया जा सकता। यह स्वीकार किया कि श्री जोगेन्द्र सिंह भाटी दिनांक 2-8-80 को 25 साल की अवधि को पार कर गया था इसलिए 2-8-80 को उसकी नियुक्ति वैध नहीं थी। इसे भी नकारा कि प्रार्थी श्रमिक को अवैध एवं भविष्य पूर्वक हटाया गया हो। आगे यह व्यक्त किया कि प्रार्थी श्रमिक को चतुर्थ श्रेणी कर्मचारी के स्थाई पद के विरुद्ध नियुक्त नहीं किया गया था। दूसरे कर्मचारी श्री इकराम मोहम्मद, ओमप्रकाश रामेश्वर को उनके स्थानीय मैनेजर बीकानेर अप्रार्थी संस्थान के द्वारा नियुक्त नहीं किया गया था। वह क्षेत्रीय निदेशक द्वारा नियुक्त किये गये थे इसलिए उनका केम भिन्न है। यह भी एतराज किया कि मौजूदा केस में औद्योगिक विवाद अधिनियम लागू नहीं है। प्रार्थी श्रमिक को बीकानेर के स्थानीय दफ्तर द्वारा नियोजित किया था और वही उसे हटाने के लिए सक्षम था। अंत में यह भी व्यक्त किया कि प्रार्थी को हटाने के पश्चात उसे अच्छा नियोजन सहायक निदेशक देवस्थान विभाग, बीकानेर में वेतन मान 350-5-420 में मिल गया है इसलिए प्रार्थना की कि प्रार्थी का स्टेटमेंट आफ क्लेम निरस्त किया जाय।

4. प्रार्थी एवं विपक्षी की ओर से प्रलेख पेश किये गये। प्रार्थी श्रमिक जोगेन्द्र सिंह भाटी ने अपने क्लेम की संपुष्टि में शपथ पत्र पेश किया जिसे न्यायाधिकरण द्वारा सत्यापित किया एवं कर्मचारी राज्य बीमा निगम के अधिवक्ता द्वारा प्रार्थी श्रमिक से जिरह की गई। अप्रार्थी निगम की ओर से सूदामासिंह पुत्र श्री गिरधारी सिंह प्रधान लिपिक ने अपना शपथ पत्र पेश किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया। श्री जयंती लाल शाह ने गवाह से जिरह की और अपनी साक्ष्य समाप्त की। मैने बहस योग्य प्रतिनिधि प्रार्थी श्रमिक एवं योग्य अधिवक्ता अप्रार्थी निगम सुनी है। पलावली का ध्यान पूर्वक अवलोकन किया है इस न्यायाधिकरण के समक्ष निम्न विचारणीय प्रश्न हैं :

(1) क्या ई.एस.आई. कारपोरेशन औद्योगिक विवाद अधिनियम 1947 के तहत "अद्योग" की परिभाषा

में आती है या नहीं और क्या प्रार्थी जोगेन्द्र सिंह भाटी एक "श्रमिक" की परिभाषा में आता है या नहीं

- (2) क्या रेफरेन्स केन्द्रीय सरकार द्वारा तत्कालीन न्यायाधीश माननीय श्री महेश भूषण शर्मा साहब के नाम से भेजा जाने से अब मौजूदा न्यायाधीश द्वारा निर्णीत किया जा सकता है या नहीं।
- (3) क्या 27-7-80 को श्री जोगेन्द्र सिंह भाटी की सेवा समाप्ति तक "छंटनी" थी या नहीं यदि हां तो क्या छंटनी अवैध थी। प्रार्थी श्रमिक किस राहत को पाने का अधिकारी है ?

4. सर्वप्रथम विचारणीय बिंदु ई.एस.आई. कारपोरेशन एक "उद्योग" है या नहीं इस संबंध में है। योग्य अधिकृत प्रतिनिधि प्रार्थी ने बहस की कि ई.एस.आई. कारपोरेशन राजस्थान राज्य पथ परिवहन निगम अधि की तरह एक बोडी कारपोरेट है और राजस्थान राज्य पथ परिवहन निगम एक "उद्योग" की परिभाषा में है इसलिए कोई कारण नहीं है कि ई.एस.आई. कारपोरेशन को एक "उद्योग" नहीं माना जायें। योग्य अधिवक्ता प्रार्थी कारपोरेशन ने बहस की कि ई.एस.आई. कारपोरेशन का कांस्टीट्यूशन ई.एस.आई. एक्ट के तहत हुआ है और उसके कार्यों को देखते हुए इसे "उद्योग" नहीं कहा जा सकता। इस संबंध में औद्योगिक विवाद अधिनियम की धारा 2(ज) को यहां रिप्रोड्यूस किया जाता उचित एवं आवश्यक होगा—

"Industry" means any systematic activity carried on by co-operation between an employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,—

उपरोक्त प्रथम प्रश्न को निर्णीत करने के लिए "वर्कमैन" की परिभाषा को भी यहां लिखा जाना आवश्यक होगा। वर्कमैन की परिभाषा धारा-2 (एस) में निम्न प्रकार की गई है—

"workman" means any person (including an apprentice) employed in any industry to do any manual unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward whether the terms of employment be express or implied and for the purposes of any proceeding under this Act in relation to an industrial dispute includes any such person who has been dismissed discharged or retrenched in connection with, or as a consequence of that dispute or whose dismissal discharge or retrenchment has led to that dispute, but does not include any such person."

5. उपरोक्त परिभाषाओं को देखते हुए प्रथम हम "उद्योग" की परिभाषा देखते हैं। "उद्योग" की परिभाषा में कोई व्यापार, ट्रेड या मैन्युफैक्चरिंग के अतिरिक्त कोई भी कार्लिंग या सविस या नियोजन शामिल होगा इस प्रकार कर्मचारी राज्य बीमा निगम की स्थापना कर्मचारी राज्य बीमा अधिनियम 1948 की धारा 3 के तहत की गई है

जिसकी धारा 3(2) में यह अंकित किया गया है कि यह निगम कर्मचारी राज्य बीमा निगम के नाम से निगमित निकाय होगा और उसका शाश्वत उत्तराधिकार और सामान्य मुद्रा होगी तथा उक्त नाम से बाद यह लायेगा और उस पर लाया जायेगा। कर्मचारी राज्य बीमा निगम का उद्देश्य बीमा कृत व्यक्तियों को स्वास्थ्य आदि के लिए उपायों को सम्प्रवर्तित करने की निगम की शक्ति होगी। निगम बीमाकृत व्यक्तियों को स्वास्थ्य और कल्याण की अभिवृद्धि के लिए और उन बीमाकृत व्यक्तियों को पुनर्वास और पुनर्नियोजन के लिए जो निःसबत या क्षतिग्रस्त हो गये हैं, उपाय इस अधिनियम में विनिर्दिष्ट पर सुविधाओं की स्कीम के अतिरिक्त सम्प्रवर्तित कर लेगा और ऐसे उपायों के बारे में वे निगम की निधियों में से ऐसी परिसीमाओं के अन्दर उपगत कर लेगा जैसी केन्द्रीय सरकार द्वारा विहित की जाये। धारा 19 में इस प्रकार निगम की शक्ति को देखते हुए ए.एफ.एस.आर. 1978 (36) पेज 267 बगलोर वाटर सप्लाई एण्ड सीवरेज बोर्ड एवं राजप्पा एवं अन्य को देखते हुए जिसमें कि उद्योग को एक सुनियोजित क्रियाकलाप करने की नियोजक व नियोजित के सहयोग से संचालित किया गया हो जिसमें कि मुख्य तत्व वाणिज्यिक को जो पदार्थों का उत्पादन व वितरण या सेवाओं के लिए जो मानव की इच्छाओं जरूरतों को संतुष्ट करने के लिए सेवायें जैसा हो उसको एक "उद्योग" विनिश्चित किया है। मौजूदा कर्मचारी राज्य बीमा अधिनियम की धारा 3 के तहत कायम की गई कर्मचारी राज्य बीमा निगम का मुख्य उद्देश्य बीमाकृत व्यक्तियों को स्वास्थ्य और कल्याण की अभिवृद्धि के लिए एवं उनके पुनर्वासन तथा पुनर्नियोजन के लिए जो किसी प्रकार क्षतिग्रस्त हो गये हैं उपाय करना आदि हैं। यह निश्चित तौर पर एक सुनियोजित क्रियाकलाप है जो कि नियोजक इन और अन्य कर्मचारियों के बीच वाणिज्यिक उद्देश्य को ध्यान में रखते हुए मानव की इच्छाओं, प्रयत्नों को संतुष्ट करने के लिए सेवा आदि देना इसका परम उद्देश्य है। इस प्रकार कर्मचारी राज्य बीमा निगम के तहत हो रही एकटिडी को गौर करते हुए यह एक "उद्योग" की परिभाषा में आती है। अब औद्योगिक विवाद अधिनियम के तहत श्रमिक की परिभाषा को देखते हैं तो धारा 2 (एस) अधिनियम 1947 में कोई व्यक्ति जिसको कि किसी उद्योग में शारीरिक, अनस्कील्ड, स्कील्ड या तकनीकी कार्य जिसको क्लैरीकल या सुपरवाइजरी वर्क वेतन आदि पर करने के लिए नियोजित किया जाता है उसमें वह सभी व्यक्ति भी शामिल होते हैं जिनको कि सेवा मुक्त कर दिया गया हो या सेवा से डिस्चार्ज कर दिया गया हो या उनकी छंटनी कर दी गई हो वह सभी व्यक्ति श्रमिक की परिभाषा में आते हैं। मौजूदा केस में प्रार्थी श्रमिक जोगेन्द्र सिंह भाटी वतीर शरथाई चतुर्थ श्रेणी कर्मचारी को नियोजित किया गया था और जिसका वेतन 196-232 के वेतनमान में दिया जा रहा था और जिसकी सेवायें समाप्त नहीं की गई और उसकी सेवा समाप्ति का विवाद इस न्यायाधिकरण को केन्द्रीय सरकार द्वारा भेजा गया है। इन सभी तथ्यों को देखते हुए प्रार्थी जोगेन्द्र सिंह भाटी एक "श्रमिक" की परिभाषा में

पाया जाता है। उपरोक्त विधायित बिन्दु में 1 का उत्तर सकारात्मक दिया जाता है।

विचार बिन्दु 2 :

6. दूसरा एतराज श्री महेन्द्र भूषण शर्मा तत्कालीन पीठासीन अधिकारी न्यायाधिकरण जयपुर के नाम भेजे जाने और मौजूदा तत्कालीन न्यायाधीश के द्वारा निर्णीत न कर सकने के बारे में है ? इस संबंध में औद्योगिक न्यायाधिकरण औद्योगिक विवाद अधिनियम में परिवर्तन हो चुका है और केन्द्रीय सरकार द्वारा भी इस न्यायाधिकरण को लिखित में दिया जा चुका है कि औद्योगिक विवाद अधिनियम में संशोधन हो जाने के पश्चात् उत्तराधिकारी को औद्योगिक विवाद के संबंध में कार्यवाही उसी स्टेज में करनी होगी जहां कि पूर्वज अधिकारी को उसे छोड़कर गये हैं और इस प्रकार नामजद भेजे गये रेफरेंस में उत्तराधिकारी न्यायाधीश को उस निर्देशन में नये सिरे से कार्यवाही करने की आवश्यकता नहीं होगी न ही उसके नाम से निर्देशन भेजे जाने की आवश्यकता ही होगी। इस संशोधन को देखते हुए यह एतराज निस्सार पाया जाता है।

विचार बिन्दु 3 :

7. तीसरा विचारण बिन्दु प्रार्थी जोगेन्द्र सिंह भाटी की अवैध छंटनी के संबंध में है। इस संबंध में यह निश्चित है कि प्रार्थी श्रमिक को छिप्टी रीजनेल डायरेक्टर कर्मचारी राज्य बीमा निगम बीकानेर के आदेश क्रमांक आर/2-13/4/77 दिनांक 30-8-78 के द्वारा चतुर्थ श्रेणी कर्मचारी के रूप में नियोजित किया गया था और उसे आठ बार 90 दिन से कम के लिए दिनांक 11-8-78, 9-11-78, 7-2-79, 8-5-79, 7-8-79, 6-11-79, 5-2-80 व 6-5-80 के आदेशों से नियुक्तियां दी गई। यह भी एक स्वीकृत तथ्य है कि प्रार्थी श्रमिक को जरिये आज्ञा दिनांक 27-8-80 के जरिये सेवा मुक्त किया गया। इस संबंध में योग्य अधिकृत प्रतिनिधि प्रार्थी श्रमिक ने बहस की कि प्रार्थी श्रमिक ने पूरे दो वर्ष तक काम किया और सेवा समाप्ति से पूर्व एक कलेण्डर वर्ष में 240 दिन से अधिक कार्य किया जिस समय उसकी सेवा समाप्ति की गई उसे न तो एक माह का नोटिस दिया और न ही नोटिस अवधि के बदले उसे एक माह का वेतन दिया। इस प्रकार बार-बार 90 दिन से कम का जो नियोजन दिया जाता था और बार-बार सेवा में लेने के आदेश जारी किये जाते थे वह बाबजूद स्थाई प्रकृति का काम होते हुए एक अनफेयर लेबर प्रेक्टिस में आता है। योग्य अधिकृत प्रतिनिधि प्रार्थी ने यह भी बहस की कि प्रार्थी की सेवा जो समाप्त की गई वह छंटनी की परिभाषा में आती है और छंटनी जो धारा 25(एफ) अधिनियम के प्रावधानों के विरुद्ध की गई है वह एक अवैध छंटनी थी।

8. योग्य अधिवक्ता अप्रार्थी निगम ने बहस की कि प्रार्थी श्रमिक को एक निश्चित अवधि के लिए नियोजित किया जाना था और उस अवधि की समाप्ति पर उसकी सेवा स्वतः समाप्त हो जाती थी। उनका पद एक स्थाई प्रकृति का नहीं था जिस समय उसे हटाया गया उस समय वह अतुर्थ श्रेणी

कर्मचारी का कोई पद शिवा नहीं था। ऐसा सूरत में प्रार्थी श्रमिक को जो हटाया वह छंटनी की परिभाषा में नहीं आता है।

9. प्रार्थी श्रमिक जोगेन्द्र सिंह भाटी की साक्ष्य में यह तथ्य बखूबी प्रमाणित है कि प्रार्थी श्रमिक को दिनांक 30-8-78 के आदेश द्वारा 90 दिन से कम के लिए वेतन श्रृंखला 196-232 पर नियोजित किया गया था और उसकी सेवा जरिये आज्ञा दिनांक 27-8-80 से समाप्त की गई। यह निश्चित है कि प्रार्थी श्रमिक ने सेवा मुक्ति से एक कलेण्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य कर लिया था और यह इस प्रकार निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था। उसको सेवा समाप्ति से पूर्व एक माह का नोटिस नहीं दिया गया और न ही एक माह के नोटिस अवधि की वेतन दी गई है। 1985 लेबर, आई. सी. 1733 में यह विनिश्चित किया गया है कि किसी कर्मकार का रजिस्टर से नाम काट देना एक छंटनी की परिभाषा में आता है और यदि धारा 25 एफ के प्रावधान के उल्लंघन में ऐसा किया जाता है तो वह एक अवैध छंटनी होती है। इसके अतिरिक्त 1988 लेबर, आई. सी. 1094 में माननीय हिमाचल प्रदेश उच्च न्यायालय ने यह तय किया है जहां कि दैनिक वेतन भोगी कर्मचारी को दैनिक वेतन पर लगाया गया और काफी समय तक इस प्रकार रखा गया तो वह एक अनफेयर लेबर प्रेक्टिस की परिभाषा में आती है। और उनकी सेवा में जहां बनावटी तौर पर या फिक्स्ड ब्रेक 90 दिन के बीच में लगा दिया जाता है वह भी एक अनफेयर लेबर प्रेक्टिस परिभाषा में आती है। एल. एल. जे (1) 1977 पृष्ठ सं. 1 में छंटनी के संबंध में यह विनिश्चित किया गया है कि जहां सेवा के लिए निश्चित अवधि निर्धारित की गई हो और उस निश्चित अवधि की समाप्ति पर सेवा समाप्त कर दी जाती है तो क्या उस सूरत में धारा 25 एफ अधिनियम ऐसी सेवा समाप्ति पर लागू होगा। चूंकि धारा 25 एफ में सेवा समाप्ति के लिए फार एनी रीजनेल वाट सो ईवर का उल्लेख किया गया है। इस प्रकार छंटनी की परिभाषा में चार उल्लेखित कारणों के अतिरिक्त किसी प्रकार से सेवा समाप्त कर दी जाती है तो वह छंटनी की परिभाषा में आती है। जहां सेवा नियोजन की अवधि समाप्त हो गई हो और उस समाप्ति पर सेवा समाप्त कर दी जाती है और धारा 25 एफ की कम्प्लायन्स नहीं होती है ऐसी सूरत में वह छंटनी अवैध छंटनी की परिभाषा में आती है। उपरोक्त विनिश्चयों के श्री जोगेन्द्र सिंह भाटी के केस में लागू करने हुए दिनांक 27-8-80 को जोगेन्द्र सिंह भाटी की सेवा मुक्ति एक छंटनी की परिभाषा में पाई जाती है। और चूंकि यह छंटनी धारा 25 एफ के उल्लंघन में की गई है इसलिए यह अवैध छंटनी पाई जाती है।

10. अन्तोप :

जहां प्रार्थी श्रमिक की सेवा समाप्ति अवैध छंटनी पाई जाती है वहां सामान्यतया रिस्टेटमेंट बिद फुल बैक

वेजेज का अनुतोष दिया जाता है। मगर श्री जोगेन्द्र सिंह भाटी के केस में कुछ ऐसी परिस्थिति और ऐसा तथ्य बाद में उत्पन्न हो गया है कि उसको अप्रार्थी नियोजक के संस्थान में पुनः बहाल करना उसके हित में प्रतीत नहीं होता है। यह प्रार्थी की साक्ष्य से एवं दोनों तरफ से एक स्वीकृत तथ्य है कि प्रार्थी दिनांक 24-2-81 को देवस्थान विभाग में बीकानेर में उसे चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्ति मिल गई। जिसकी सेवा छः-छः माह बढ़ाई गई और प्रार्थी श्रमिक इस समय स्थाई पद पर नियुक्त है। यदि उसे पुनः कर्मचारी राज्य बीमा निगम में बहाल किया जाता है तो वह सेवा मुक्ति से पूर्ववत पद व वेतन पर बहाल होगा चूंकि राजस्थान राज्य सरकार ने कर्मचारियों के वेतनमान केन्द्रीय सरकार के उन्हीं पदों के समान कर दिये हैं और संहगाई भत्ता आदि भी समान हो गया है। प्रार्थी श्रमिक सहायक आयुक्त देवस्थान विभाग बीकानेर में करीब 9 वर्ष से कार्यरत है और वह अवश्य ही स्थाई हो चुका होगा या स्थाई किये जाने का अधि-कारी हो गया है। ऐसी सूरत में उसे पुनः अप्रार्थी संस्थान कर्मचारी राज्य बीमा निगम में बहाल किया जाना उचित नहीं होगा। प्रार्थी श्रमिक को दिनांक 27-8-80 को सेवा मुक्त किया गया था और उसे उसके पश्चात् देवस्थान विभाग में सहायक आयुक्त देवस्थान विभाग बीकानेर के यहां दिनांक 24-2-81 को पुनः नौकरी में लिया गया। उसे इस अवधि के वेतन का अवश्य नुकसान होगा जो उसे दिलाया जाना उचित एवं न्यायसंगत होगा अतः प्रार्थी के पक्ष में निम्न आशय का पंचाट पारित किया जाता है कि—

यह कि प्रार्थी श्रमिक जोगेन्द्र सिंह भाटी चतुर्थ श्रेणी कर्मचारी की सेवायें कर्मचारी राज्य बीमा निगम, जयपुर के डिप्टी रीजनल डायरेक्टर, बीकानेर के द्वारा सेवा समाप्त करना उचित नहीं था। मगर मौजूदा बदले हुए हालात में प्रार्थी श्रमिक को पुनः कर्मचारी राज्य बीमा निगम की सेवा में बहाल किया जाना उचित नहीं होगा परन्तु वह दिनांक 27-8-80 से 23-2-81 तक की अवधि के बीच उसकी सेवा समाप्ति से पूर्ववत पद के वेतन समान राशि भत्तों व अन्य लाभों सहित प्राप्त करेगा। यह राशि अगले दो माह में भुगतान की जावे। यदि यह राशि दो माह में भुगतान नहीं की गई तो अप्रार्थी निगम इस राशि पर 12 प्रतिशत प्रतिवर्ष की दर से ब्याज अदा करेगा। उक्त आशय का पंचाट पारित किया जाता है, जिसे वास्ते प्रकाश-नार्थ केन्द्र सरकार को अंतर्गत धारा 17 (1) अधिनियम भेजा जावे।

प्रताप सिंह यादव, न्यायाधीश

[सं. एल-15012/2/82-डी. II(बी)/डीIII(वी)]

का. आ. 1283 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. जयकुमार पंथूलाल जैन, माइन

ओनरस के प्रबंधतंत्र के सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-90 को प्राप्त हुआ था।

S.O. 1283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Jal Kumar Panthulal Jain, Mine Owner and their workmen, which was received by the Central Government on 11th April, 1990.

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर. एच. जे. एस. केस नं. सीआईटी. 66/87

मध्य

प्रीतीशेट, पत्थर खान लेबर यूनियन, इन्द्रगढ़, बन्दी, राजस्थान।

अनाम

श्री जयकुमार पंथूलाल जैन, माइन ओनर, झाकधर इन्द्रगढ़ बन्दी, राजस्थान।

रेफरेंस अंतर्गत धारा 10 (1) (घ) औद्योगिक विवाद अधिनियम 1947

उपस्थिति

प्रार्थी यूनियन की ओर से : प्रार्थी यूनियन की ओर से श्री जयूती लाल शाह ने हिदायत पैरवी न होना जाहिर किया।

अप्रार्थी नियोजक की ओर से : कोई उपस्थित नहीं है। दिनांक अवाई :

1-1-89

अवाई

भारत सरकार के श्रम मंत्रालय के डैस्क अधिकारी ने उनकी आज्ञा क्रमांक एल. 29011/25/87—डी-III दिनांक 25-8-87 निम्न विवाद अंतर्गत धारा 10 (1) (घ) औद्योगिक विवाद अधिनियम 1947 जिसे सत्वस्थात् अधिनियम लिखा जायेगा वास्ते अधिनिर्णयार्थ प्रस्तुत किया :

“क्या श्री जयकुमार पंथूलाल जैन माइन ओनर झाकधर इन्द्रगढ़ बन्दी राजस्थान के प्रबंधतंत्र की सर्वश्रर हरीमिह आत्मज, श्री रामचन्द्र रेवारी, दीलत आत्मज, श्री माधो जी रेवारी और प्रेमा आत्मज श्री रामनिवास गुरजुर की सेवायें 1-2-87 से समाप्त करने की कार्यवाही वैध और न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं”

2. बाद प्राप्ति निदेशन इसे इस न्यायाधिकरणों में पंजीकृत किया गया और उभय पक्षकारगन को नोटिस जारी किये गये। नोटिस जारी करने के पश्चात प्रार्थी यूनियन की ओर से श्री जयूती लाल शाह एवं श्रीमती

प्रेमलता शाह उपरिक्त आये। जिन्हें स्टेटमेंट आफ क्लेम प्रस्तुत करने के लिए कई बार अवसर दिये गये। मगर 14 बार अवसर देने के पश्चात भी प्रार्थी यूनियन की ओर से कोई स्टेटमेंट आफ क्लेम प्रस्तुत नहीं किया गया। जबकि केन्द्रीय सरकार की ओर से निर्देशन के अन्दर ही औद्योगिक विवाद (केन्द्रीय) नियम 1957 के नियम 10 (ख) के अधीन यह आदेश दिया गया था कि "विवाद उठाने वाला पक्ष दावों का विवरण जो संगत दस्तावेजों सहित पूरा हो अवलम्बों रिलायन्स तथा गवाहों की सूची इस निर्देशन आदेश की प्राप्ति के 15 दिनों के अन्दर-अन्दर अधिकरण के पास दायर करेगा और ऐसे विवरणों की एक प्रति इस विवाद में अन्तर्ग्रस्त प्रत्येक विपक्षी पक्षकार को भी भेजेगा। इस निर्देशन के होते हुए ही जबकि निर्देशन की प्रति प्रार्थी-यूनियन को भेजी गई है निर्देशन की प्राप्ति के 15 दिन के अन्दर न्यायाधिकरण में उपस्थित होकर स्टेटमेंट आफ क्लेम प्रस्तुत नहीं किया। एहतियातन न्यायाधिकरण की ओर से प्रार्थी यूनियन को नोटिस जारी किये गये जो नोटिस दिनांक 23-6-88 को प्रार्थी यूनियन को प्राप्त हो गया और उसके पश्चात यूनियन की ओर से उनके अधिकृत प्रतिनिधि हाजिर आते रहे हैं। और इस प्रकार 14 अवसर उन्हें स्टेटमेंट आफ क्लेम प्रस्तुत करने के लिए दिये जा चुके हैं। इस कदर मौके दिये जाने के पश्चात भी जब स्टेटमेंट आफ क्लेम प्रस्तुत नहीं किया तो इससे यह विदित है कि प्रार्थी यूनियन इस विवाद को चलाने में कोई रुची नहीं रखती है ऐसी परिस्थिति में प्रार्थी यूनियन के विरुद्ध यह अनुमान लगाता उचित एवं न्यायसंगत है और मौजूदा विवाद के मिलसिले में नो डिस्पुट अवार्ड पारित किया जाना भी उचित एवं न्यायसंगत है। अतः आज्ञा है कि रैफरेंस केस नं. सी. आई. टी. 66/87 में नो डिस्पुट अवार्ड पारित किया जाना है। प्रचांट की प्रतिलिपि केन्द्रीय सरकार को अंतर्गत धारा 17 (1) अधिनियम वास्ते प्रकाशनार्थ भेजा जावे।

प्रताप सिंह यादव, न्यायाधीश

[म. एम.-29011/25/87-डी. III (बी)]

बी. के. जर्मा, डेस्क अधिकारी

नई दिल्ली, 12 अप्रैल, 1990

का. आ. 1284 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय विद्यालय नं. 1, जयपुर के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार से 11-4-90 को प्राप्त हुआ था।

New Delhi, the 12th April, 1990

S.O. 1284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central School No. 1, Jaipur and their workmen, which was received by the Central Government on 11th April, 1990.

1083 GI/90—7.

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर. एच. जे. एम. केस नं. सी. आई. टी. 127/89

मध्य

श्रीमती कमला देवी पत्नी श्री बृजमोहन, हरिजन वस्ती, सैक्टर-1, मालवीया नगर, मकान नं. 74/4, जयपुर।

एवं

प्रिंसिपल, केन्द्रीय विद्यालय नं. 1, टौक फाटक, जयपुर।
रैफरेंस अंतर्गत धारा 10 (1) (घ) औ. वि. अधिनियम, 1947

उपस्थिति

श्रमिक पक्ष की ओर से : श्रीमती कमला देवी, स्वयं
नियोजक पक्ष की ओर से : श्री जी. डी. खत्री
दिनांक अवार्ड : 5-2-90

अवार्ड

भारत सरकार के श्रम मंत्रालय के डेस्क अधिकारी ने उनके आदेश सं. एल-42012/95/89 आई. आर. (डी. यू.) दिनांक 15-11-89 निम्न विवाद अंतर्गत धारा 10 (1) (घ) औद्योगिक विवाद अधिनियम, 1947, जिसे तत्पश्चात् अधिनियम लिखा जायेगा वास्ते अधिनियम इस न्यायाधिकरण को भेजा है :

"Whether the action of the management of Kendriya Vidyalaya, No. 1 Jaipur is justified in terminating the services of Smt. Kamla Devi, Sweeper w.e.f. 1st June, 1988? If not to what relief is the workman entitled?"

2. बाद प्राप्ति निर्देशन इसे इस न्यायाधिकरण में पंजीकृत किया गया। बाद पंजीकरण उभय पक्षकारान को नोटिस जारी किये गये और पतावली वास्ते पेश होने स्टेटमेंट आफ क्लेम दिनांक 5-2-90 के लिए नियत की गई। आज जबकि पतावली प्रार्थी श्रमिक के स्टेटमेंट ऑफ क्लेम प्रस्तुत होने के लिए यित है। प्रार्थी या स्वयं उपस्थित आई है एवं केन्द्रीय विद्यालय नं. 1, टौक फाटक की ओर से श्री गुरुदयाल खत्री अधिकृत प्रतिनिधि प्रिंसिपल केन्द्रीय विद्यालय सं. 1 की ओर से उपस्थित आये है। प्रार्थी या श्रमिक श्रीमती कमला देवी पत्नी श्री बृजमोहन हरिजन वस्ती सैक्टर नं. 1 मालवीया नगर ने अपना स्टेटमेंट आफ क्लेम पेश करने की वजाय एक प्रार्थी पत्र इस आशय को प्रस्तुत की है कि उसका पुनः नियोजन केन्द्रीय विद्यालय नं. 1 (जयपुर में हो गया है और प्रार्थना या ने दिनांक 16-10-89 को अपनी ड्यूटी भी ज्वाइन कर ली है। प्रार्थी या इस विवाद के संबंध में अब आगे कोई कार्यवाही नहीं करना चाहती अब कोई विवाद जेष नहीं रहा है। केन्द्रीय विद्यालय के प्राचार्य के अधिकृत प्रतिनिधि ने भी स्वीकार किया कि प्रार्थी या श्रमिक श्रीमती कमला की पुनः नौकरी लगा दी गई है और वह उनके यहां ही काम कर रही है। अब इस विवाद के संबंध में कोई विवाद शेष नहीं रह गया है इसलिए इस निर्देशन के संबंध में

"नो डिस्पुट" अवार्ड पारित कर दिया जावे। प्रार्थीय श्रीमती कमला से न्यायालय में पूछा गया कि आया उसने यह प्रार्थना पत्र अपनी स्वेच्छा से लिखकर दिया है, किसी डर भय, लालच के कारण तो नहीं लिखा है। प्रार्थीया श्रीमती कमला ने यह स्वीकार किया कि उसने यह प्रार्थना पत्र अपनी स्वेच्छा से बिना किसी डर, लालच या बहकावे में आकर लिखा है चूँकि उभय पक्षकारान ने यह स्वीकार किया है कि अब कोई विवाद उनके मध्य शेष नहीं रह गया है इसलिए मौजूदा विवाद के संबंध में "नो डिस्पुट" अवार्ड पारित किया जाता है। और अवार्ड की प्रतिलिपि केन्द्रीय सरकार को वास्ते प्रकाशनार्थ अंतर्गत धारा 17 (1) अधिनियम भेजी जावे।

प्रताप सिंह यादव, न्यायाधीश
[सं. ए-42012/95/89-डी II (बी) (पार्ट I)]

का. भा. 1285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाकघर वरिष्ठ अधीक्षक, जोधपुर के प्रबंधक के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार के 11-4-90 को प्राप्त हुआ था।

S.O. 1285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Superintendent of Post Offices, Jodhpur and their workmen, which was received by the Central Government on 11th April, 1990.

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर (कैम्प एट जोधपुर)

उपस्थिति:—श्री प्रतापसिंह यादव आर. एच. जै. एस. सी. आई. टी. नम्बर 60/89

दीपाराम श्री सुपुत्र श्री तगाराम दारजी वी.पी.ओ.
अनलाई वाया सेतरवा तहसील डेरगढ़, जोधपुर।
श्रमिक

मध्य

डाक वरिष्ठ अधीक्षक, जोधपुर

—नियोजक

रकरेम अन्तर्गत धारा 10 (1) (ब) औद्योगिक विवाद अधिनियम, 1947

उपस्थिति:—

(1) श्री बाबूलाल राखेचा सहायक अधीक्षक डाकघर जोधपुर

(2) प्रार्थी श्रमिक दीपाराम मय बकील श्री बरकतुल्ला मेहर

एवार्ड

दिनांक 30-1-1990

भारत सरकार के श्रम मंत्रालय के डीस्क अधिकारी ने उनके आदेश संख्या एल-40012/18/88-डी-II (बी) दिनांक 9-5-1989 निम्न विवाद अन्तर्गत धारा (10) (1) (ब) औद्योगिक विवाद अधिनियम 1947 (जिसे तत्पश्चात् अधिनियम लिखा जायेगा वास्ते अधिनियम इस न्यायाधिकरण को भेजा:—

"क्या डाकघर वरिष्ठ अधीक्षक जोधपुर की ई० डी० सी० ए० श्री दीपाराम के 11-2-87 से सेवाएं समाप्त करने की कार्यवाही उचित और वैध है। यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है।

2. बाद प्राप्ति निर्देशन इसे न्यायधिकरण में पंजीकृत किये गया और उभय पक्षकारान को नोटिस जारी किये गये यह विवाद जोधपुर मण्डल से सम्बंधित होने के कारण यहां जोधपुर कैम्प पर नियत किया गया प्रार्थी श्रमिक दीपाराम उनके वकील के साथ उपस्थित आये एवं प्रार्थी नियोजक की ओर से श्री बाबूलाल राखेचा सहायक अधीक्षक, डाकघर जोधपुर उपस्थिति आये जिन्होंने लिखित में स्वीकार कि उभय पक्षकारान के मध्य कोई विवाद शेष नहीं रह गया है श्री राखेचा ने जाहिर किया कि समझौता वार्ता कार्यवाही 8-3-88 के पश्चात् प्रार्थी श्रमिक को दुबारा नियोजित कर लिया गया है। और वह उनके विभाग में बातौर ई. डी. एस. सी. दिनांक 7-6-88 से कार्यरत है। इसलिये कोई विवाद नहीं का पंचाट जारी किया जावे। इन तथ्यों को प्रार्थी श्रमिक दीपाराम ने भी स्वीकार किया कि उसको पुनः नियोजन में ले लिया गया है और कोई विवाद शेष नहीं है। दीपाराम को उनके अधिवक्ता ने पतागत किया। श्री दीपाराम ने यह पूछा गया कि आया उसकी स्वीकारोक्ति स्वेच्छा से है इस पर श्री दीपाराम ने स्वीकार किया कि वह बिना किसी डर भय या दबाव के यह स्वेच्छा से स्वीकार कर रहा है। इस पर उसकी स्वीकारोक्ति को प्रमाणित किया गया। यह सभी इस प्रार्थना पत्र के साथ पेश किये गये समझौते के प्रपत्र से भी सम्पुष्ट होते हैं। चूँकि प्रार्थी श्रमिक को पुनः नियोजन में अप्रार्थी विभाग द्वारा ले लिया गया है और उन्होंने स्वीकार किया है कि कोई विवाद शेष नहीं है ऐसी दूरत में इस निर्देशन के सम्बन्ध में "नो डिस्पुट" एवार्ड पारित किया जाता है। पंचाट की प्रति अन्तर्गत धारा (17) (1) अधिनियम केन्द्रीय सरकार को वास्ते प्रकाशनार्थ भेजी जावे।

प्रतापसिंह यादव न्यायाधीश

3. अधिनिर्णय आज दिनांक 30-1-1990 को खुले न्यायालय में कैम्प जोधपुर में हस्ताक्षर कर सुनाया गया ।

प्रतापसिंह यादव, न्यायाधीश
[सं. एल-40012/18/88डी II (बी पार्ट)]

का. आ. 128 6.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ए ई एन टेलीकाम) कोटा के प्रबन्धतांत्र के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-90 को प्राप्त हुआ था ।

S.O. 1286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of AEN (Telecom), Kota and their workmen, which was received by the Central Government on 11th April, 1990.

(अनुबन्ध)

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर. एच. जे. एस. केस नं. सी.आई.टी. 83/87.

मध्य

रामकरण मार्फत रीजनल सैक्रेटरी, हिन्द मजदूर सभा, बंगाली कोलोनी, छावनी, कोटा, राजस्थान एवं

सहायक अभियंता (टेलीकाम) पी एण्ड टी डिपार्टमेंट कोटा जंक्शन

रेफरेंस अंतर्गत धारा 10 (1) (डी) औद्योगिक विवाद अधिनियम, 1947

उपस्थिति

यूनियन पक्ष की ओर से : श्री फरीदउद्दीन खान
नियोजक पक्ष की ओर से : श्री एन सी. चौधरी
दिनांक अवाई : 24-1-90

अवाई

भारत सरकार के श्रम मंत्रालय के डैस्क अधिकारी ने निम्न विवाद इस न्यायाधिकरण के समक्ष अंतर्गत धारा 10(1) (घ) औद्योगिक विवाद अधिनियम, 1947 जिसे तत्पश्चात् अधिनियम लिखा जायेगा वास्ते अधिनिर्णयार्थ अपनी अधिसूचना सं. एल. 40012/39/86-डी II (बी) दिनांक 21-9-87 के द्वारा भेजा है :

"Whether the action of the A.E.N. (Telecom), Kota Jn. in terminating Shri Ramkaran with effect from 1st May, 1986 from service is legal and justified? If not, to what relief Shri Ramkaran is entitled to?"

2. बाद प्राप्ति निर्देशन इस न्यायाधिकरण से में पंजीकृत किया गया और इस उभय पक्षकारान को नोटिस जारी किये गये। प्रार्थी श्रमिक रामकरण पुत्र श्री शंकर लाल की और से स्टेटमेंट आफ क्लेम निम्न प्रकार से पेश किया गया। यह कि प्रार्थी श्रमिक को सहायक अभियंता (टेलीकाम) कोटा जंक्शन ने दिनांक 20-7-82 से दैनिक वेतन भोगी कर्मचारी के रूप में नियोजन किया था। उपरोक्त सहायक अभियंता जिने नियोजक शब्द से सम्बोधित किया जायेगा ने दिनांक 1-5-86 से प्रार्थी श्रमिक को उसका आचरण एवं कार्य असंतोषजनक बताकर नौकरी से अवैध रूप से हटा दिया। अप्रार्थी नियोजक ने प्रार्थी श्रमिक को कोई आरोप पत्र नहीं दिया और न ही उसके खिलाफ किसी प्रकार की घरेलू जांच की। प्रार्थी को नौकरी से निकालने से पूर्व उसे कोई अपना पक्ष प्रस्तुत करने तथा बचाव पेश करने का कोई अवसर भी नहीं दिया। इस प्रकार नियोजक ने प्रार्थी का निकालने में नैसर्गिक न्याय के सिद्धान्तों को अवहेलना भी की है। अप्रार्थी नियोजक ने जो प्रार्थी श्रमिक को उसका कार्य असंतोषप्रद होने के कारण नौकरी से निकाला है वह छंटनी की परिभाषा में आती है। इस संबंध में यह भी व्यक्त किया कि प्रार्थी श्रमिक को एक माह का नोटिस नहीं दिया न ही नोटिस के बदले एक माह का अग्रिम वेतन का भुगतान किया और न ही उसे छंटनी का मुआवजा ही दिया। इस प्रकार नियोजक द्वारा धारा 25 (एफ) अधिनियम का उल्लंघन किया है। आगे यह भी एतराज किया कि प्रार्थी श्रमिक को नौकरी से निकालने से पूर्व न तो प्रार्थी जैसे श्रमिकों की वरिष्ठता सूची निकाली सेवा समाप्ति के समय प्रार्थी के कनिष्ठ कई कर्मचारी अप्रार्थी के नियोजन में मौजूद थे इस प्रकार अप्रार्थी ने पीछे आये पड़ते जाये के मिद्धान्त का पालन नहीं किया। अतः प्रार्थना की प्रार्थी को पुनः सेवा में सभी लाभों व वेतन सहित बहाल किया जाये।

3. अप्रार्थी सहायक अभियंता (टेलीकाम) कोटा जंक्शन ने प्रार्थी श्रमिक को स्टेटमेंट आफ क्लेम का जवाब निम्न प्रकार से पेश किया यह कि रामकरण पुत्र श्री शंकरलाल को उनके कार्यालय द्वारा दिनांक 20-7-82 से दैनिक वेतन पर पास्ट्रोन पर नियोजित किया गया था। आगे व्यक्त किया कि श्रमिक का कार्य असंतोषप्रद था और इसके लिए उसे समय-समय पर सुधार करने के लिए कहा गया। परन्तु वह बिना आशा प्राप्त किये कई बार अनुपस्थित रहा। इसके लिए उसको 25-10-85 को अप्रार्थी द्वारा चेतावनी दी गई थी यदि उसके कार्य में सुधार नहीं हुआ तो नौकरी से हटाया जा सकता है। ऐसी पूर्ण

में अप्राथी प्रार्थी श्रमिक से कोई घरेलू जांच करने के लिए बाध्य नहीं थे। आगे यह भी व्यक्त किया कि प्रार्थी श्रमिक के विरुद्ध बूंदी पुलिस में मार्च सन् 1986 में धारा 420, 406 भारतीय दण्ड संहिता के तहत मुकदमा दर्ज हुआ और उसे गिरफ्तार भी किया गया। अयोग्य तथा आचारहीन श्रमिक को नौकरी से हटाया जाना छंटनी की परिभाषा में नहीं आता है। आगे यह एतराज लिया कि यह गलत है कि प्रार्थी श्रमिक को एक माह का नोटिस जारी नहीं किया गया। उसे दिनांक 1-4-86 को पत्र सं सी.-1/86-87/55 के द्वारा एक नोटिस जारी किया था और नौकरी से उसे 1-5-86 को निकाला गया था। नियोजक को प्रार्थी श्रमिक को एक माह का नोटिस देकर नौकरी निकालने का अधिकार प्राप्त है। अतिरिक्त कथन में यह भी व्यक्त कि प्रार्थी श्रमिक को 25-10-85 के एक पत्र द्वारा चेतावनी दी गई थी परन्तु उसके द्वारा कोई भी जवाब नहीं दिया गया। जिसके स्पष्ट तौर से प्रमाणित है कि श्रमिक द्वारा सभी आरोपों को स्वीकार कर लिया गया। एक अयोग्य एवं भ्रष्ट श्रमिक को नौकरी से निकालने के लिए वरिष्ठता सूची को ध्यान रखने की आवश्यकता नहीं है। श्रमिक किसी भी प्रकार का कोई अनुतोष पाने का अधिकारी नहीं है।

4. प्रार्थी श्रमिक ने अपने क्लेम की सम्पुष्टि में स्वयं का आशय पत्र प्रस्तुत किया जिसे इस न्यायाधिकरण द्वारा सत्यापित किया गया। प्रार्थी श्रमिक से जिरह की। प्रार्थी श्रमिक ने अपनी साक्ष्य समाप्त की और नियोजक की ओर से श्री धनश्याम दास साभरिया महेश सिंह पुत्र भानुश्री लाल महेश चन्द्र गुप्ता पुत्र श्री बाबूलाल ने अपने शपथपत्र प्रस्तुत किये जिन्हें इस न्यायाधिकरण द्वारा सत्यापित किया गया। प्रार्थी श्रमिक के अधिकृत प्रतिनिधि ने इन सभी गवाहन से जिरह की और नियोजक ने अपनी साक्ष्य समाप्त की।

5. मैने बहस श्री फरीदुद्दीन खान अधिकृत प्रतिनिधि प्रार्थी श्रमिक एवं श्री एन सी चौधरी योग्य अधिवक्ता अप्राथी नियोजक सुनी है। पत्रावली का ध्यान पूर्वक अवलोकन किया है। न्यायालय के समक्ष विचारणीय प्रश्न निम्न प्रकार हैं:—

(1) आया कि क्या प्रार्थी श्रमिक ने उसकी सेवा समाप्ति दिनांक 30-4-86 से पूर्व एक कलेण्डर वर्ष में 240 दिन निरन्तर कार्य किया और यदि हां तो क्या वह एक निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था?

(2) आया कि क्या प्रार्थी श्रमिक की सेवा समाप्ति एक अवैध छंटनी थी।

(3) प्रार्थी क्या अनुतोष पाने का अधिकारी है।
विचार बिंदु नं (1)

6. अब हम उपरोक्त विचारणीय बिंदुओं को एक एक कर और करते हैं प्रथम विचार बिंदु प्रार्थी का सेवा समाप्ति से पूर्व एक कलेण्डर वर्ष में 240 दिवस कार्य करने के संबंध में है। इस बारे में प्रार्थी श्रमिक ने उसके शपथपत्र में अपना शपथपूर्वक ब्यान दिया है, जिसमें कहा है कि उसको सहायक अभियंता (टेलीकाम) कोटा ने दिनांक 20-7-82 को दैनिक वेतन पर नियोजित किया था और उसने अधीन दिनांक 30-4-86 तक कार्य किया जिसके प्रमाण पत्र प्रदर्श डब्ल्यू-1 एवं डब्ल्यू-2 हैं इस संबंध में अप्राथी नियोजक श्री धनश्याम दास साभरिया ने प्रार्थी श्रमिक का सन् 1985-86 में 234 दिन काम करना तो स्वीकार कर लिया है और माना कि इन कार्य दिवसों में छुट्टियां शामिल नहीं हैं। इस संबंध में यह भी लिखाया कि साप्ताहिक अवकाश व राजपत्रित अवकाश शामिल नहीं है। राजपत्रित अवकाश दैनिक वेतन भोगी श्रमिक को नहीं मिलती हैं। राष्ट्रीय अवकाश तीन मिलती हैं, जिनमें 26 जनवरी, 15 अगस्त व दो अक्टूबर है। कार्य दिवसों को जाहिर करने वाले लेख प्रदर्श डब्ल्यू-1 एवं डब्ल्यू-2 के द्वारा जारी किये गये हैं और इनको प्रार्थी श्रमिक स्वयं ने प्रमाणित कराया है। प्रदर्श डब्ल्यू-3 में मई 85 से लेकर अप्रैल 86 तक कुल कार्य दिवस 236 बनते हैं। इन कार्य दिवसों में जैसाकि श्री धनश्याम दास साभरिया ने अपने प्रतिपरीक्षण में स्वीकार किया है कि इनमें साप्ताहिक अवकाश राष्ट्रीय अवकाश शामिल नहीं हैं। प्रार्थी श्रमिक साप्ताहिक अवकाश प्राप्त करने का अधिकारी था क्योंकि उसका जुलाई सन् 82 अप्रैल सन् 86 के अन्त तक कार्य करना प्रमाणित हुआ है इसके अतिरिक्त वह जैसाकि श्री धनश्याम साभरिया ने माना है कि 26 जनवरी, 15 अगस्त, व 2 अक्टूबर की भी छुट्टियां प्राप्त करने का भी अधिकारी था। इस प्रकार 236 कार्य दिवसों में में यदि 52 साप्ताहिक अवकाश मिला दिये जाते हैं तो कुल कार्य दिवस 288 और तीन राष्ट्रीय अवकाश मिला दिये जाते हैं तो कुल कार्य दिवस 291 बन जाते हैं। श्री धनश्याम दास साभरिया का यह कथन स्वीकारणीय नहीं रहता है कि प्रार्थी श्रमिक ने केवल 234 दिन ही 1985-86 में कार्य किया। उपरोक्त साक्ष्य से यह बखूबी प्रमाणित हो जाता है कि प्रार्थी श्रमिक रामकरण जिसकी सेवा दिनांक 30-4-86 को समाप्ति की गई। उसने इस सेवा समाप्ति की गई उसने इस सेवा समाप्ति से पूर्व एक कलेण्डर वर्ष में 240 दिन कार्य किया। अप्राथी विभाग यानि टेलीकाम डिपार्टमेंट एक "उद्योग" है। इसके बारे में कोई एतराज नहीं किया गया है। ऐसी सूत्र में प्रार्थी श्रमिक की सेवा समाप्ति से पूर्व उसने एक कलेण्डर वर्ष में 240 दिन में अधिक निरन्तर

विचार विन्दु संख्या 2 :

7. विवादित विदु सं. 2 प्राथी श्रमिक की सेवा समाप्ति क्या अवधि छंटनी की परिभाषा में आती है, बारे में है। श्रीरामकरण प्राथी श्रमिक ने उसके शपथ पत्र में यह व्यक्ति किया कि उसे सहायक अभियंता ने अपने पत्र दिनांक 1-4-86 द्वारा सूचित किया कि वह अपने आपको 1-5-86 से नौकरी से अलग समझे इस संबंध में श्री धनश्याम दास सांभरिया ने भी उसके शपथ पत्र के पैरा सं. 2 में यह लिखाया है "यह कि प्राथी को एक माह का नोटिस दिनांक 1-4-86 को कानूनिय समय में ही दिनांक 1-4-86 को ही दिया गया था और उसने नोटिस की आपिस कापी पर प्राप्त के हस्ताक्षर किये थे जो प्रदर्श 2 है। यद्यपि प्राथी श्रमिक की ओर से इस नोटिस की 1-4-86 को प्राप्ति को चुनौती दी गई है। इस संबंध में प्राथी श्रमिक ने उसके शपथपत्र में यह कहा है कि यह नोटिस उसे 8 या 9 अप्रैल 86 को प्राप्त हुआ था और जिस पर दिनांक 25-10-85 का इसमें उल्लेख किया गया है वह उसे कभी भी प्राप्त नहीं हुआ इस प्रकार उसे 1-5-86 से सेवा मुक्त कर दिया गया। प्राथी श्रमिक को इस कथन को बोर्ड चुनौती नहीं दी गई है कि उसे 1-5-86 की सेवा मुक्त किया गया। अप्राथी श्री धनश्याम सांभरिया के इस कथन से कि उन्होंने प्राथी श्रमिक को 1-4-86 को एक माह का नोटिस दिया इससे भी इस तथ्य की सम्पुष्टि होती है कि प्राथी श्रमिक को 1-5-86 को सेवा मुक्त कर दिया गया अब केवल देखना यह है कि आया प्राथी श्रमिक को 1-4-86 को एक माह का नोटिस प्राप्त हो गया था या कि नहीं प्राथी ने नोटिस उसे 8 या 9 अप्रैल 84 को प्राप्त होता कहा है जबकि श्री धनश्याम दास सांभरिया ने उसकी साक्ष्य में यह बताया कि नोटिस प्राथी को उसी दिन यानी 1-4-86 को कार्यालय समय में दिया गया और आफिस प्रतिलिपि प्रदर्श-2 पर उसके हस्ताक्षर लिखे गये यह तो ठीक है कि नोटिस की प्रतिलिपि प्रदर्श 2 पर प्राथी श्रमिक के हस्ताक्षर है मगर प्राथी के हस्ताक्षर के नीचे कोई तारीख नहीं है और ऐसी भी कोई रिपोर्ट नहीं है जिससे कि यह प्रमाणित होगा कि प्राथी श्रमिक को यह नोटिस 1-4-86 को ही दिया गया। इस साक्ष्य के अभाव में भी यह संवेहास्पद बन जाता है कि नोटिस प्राथी श्रमिक को दिनांक

1-4-86 को दिया गया। यह भी मान लिया जाये कि प्राथी श्रमिक को उसकी सेवा समाप्ति के लिए एक माह का नोटिस दिनांक 1-4-86 को ही प्राप्त हो गया था तो भी यह स्पष्ट है कि प्राथी की सेवा समाप्ति करते हुए उसे छंटनी का मुआवजा नहीं दिया गया जबकि प्राथी श्रमिक जुलाई सन् 82 से कार्य कर रहा था और अप्रैल 86 तक उसने कार्य किया वह इस कार्य अवधि का छंटनी का मुआवजा पाने का अधिकारी था और इस प्रकार उसकी नौकरी से हटाने समय क्षतिपूर्ति नहीं दी गई। ऐसी सूरत में प्राथी श्रमिक की सेवा समाप्ति धारा 25(एफ) अधिनियम के उल्लंघन में पाई जाती है। अप्राथी की ओर से उनके अभिव्यक्तन में भी यह कहा गया है कि प्राथी का कार्य संतोषजनक नहीं था और अयोग्य और आधारहीन श्रमिक को नौकरी से हटाया जाना छंटनी की परिभाषा में नहीं आता है। इस संबंध में इतना ही लिखना पर्याप्त है कि प्राथी श्रमिक को जिसे अयोग्य और आधारहीन श्रमिक कहा गया है उसे कोई चार्जशीट नहीं दी गई न ही उसके विरुद्ध कोई धरेलू जांच की गई है। इस संबंध में प्रदर्श-2 में प्राथी श्रमिक को दिनांक 25-10-85 के पत्र के द्वारा चेतावनी दी गई, लिखा है इसके संबंध में प्राथी श्रमिक ने स्पष्ट तौर से इन्कार किया है कि उसे 25-10-85 का कोई पत्र नहीं मिला और अप्राथी नियोजक की ओर से ऐसा कोई प्रमाण पत्र नहीं दिया गया कि प्राथी श्रमिक को दिनांक 25-10-85 को पत्र की पावनी हो गई थी। अब न्यायाधिकरण से कोई प्रार्थना न्यायाधिकरण में आरोप निरुद्ध कराने की नहीं की गई तो अप्राथी नियोजक की ओर से प्राथी श्रमिक के दुराचरण के बारे में जो साक्ष्य लिख दी गई है, वह भी पढ़े जाने योग्य नहीं है। क्योंकि अप्राथी नियोजक ने कभी भी आरोपों को न्यायाधिकरण में प्रमाणित कराने की अनुमति प्राप्त नहीं की इसलिये अप्राथी के द्वारा महज उनके अभिवक्तन में उसे अयोग्य के आधारहीन श्रमिक लिख देना उन्हें कोई फायदा नहीं पहुंचाना। योग्य अधिकृत प्राथी श्रमिक के प्रतिनिधि ने 1984(1) (एल.एल.एन. पृष्ठ-8 के पैरा 13 पर अवलम्ब किया है जिसमें निम्न प्रकार से विनिश्चित किया गया है कि यदि श्रम न्यायालय या औद्योगिक न्यायाधिकरण के समक्ष आरोप सम्बन्धी जांच कराने के प्रार्थना स्टेटमेंट आफ कलेम के जवाब में नहीं की गई है तो बाद में उन आरोपों को प्रमाणित करने की इजाजत नहीं दी जा सकती। योग्य अधिकृत प्रतिनिधि प्राथी ने 1981(ii) एल.एल.एन. पृष्ठ 23 के पैरा सं. 17 पर अवलम्ब करते हुए यह बहस की कि जहां प्राथी श्रमिक को सेवा समाप्ति विल्कुल अवैध हो तो इस प्रकार की सेवा समाप्ति के आदेश से सेवा समाप्त नहीं होती है और श्रमिक की सेवा लगातार जारी रहता मानी जावेगी। श्रमिक के योग्य अधिकृत प्रतिनिधि ने 1985 (i) एल.एल.एन. पृष्ठ 1037 एच.डी.मिह.नाम रिजर्व बैंक आफ इण्डिया पर भी अवलम्ब किया। उपरोक्त विवेचन के आधार पर प्राथी श्रमिक की सेवा समाप्ति दिनांक 30-4-86 को धारा 25एफ अधिनियम के उल्लंघन में किया जाना प्रमाणित होती है इसलिए प्राथी की सेवा समाप्ति एक अवैध छंटनी पाई जाती है।

अनुतोष :

8—प्रार्थी श्रमिक उसकी सेवा में सेवा समाप्ति की तारीख से पूर्ववत पद व वेतन पर बहाल होने का अधिकारी पाया जाता है और वह सेवा समाप्ति की तिथि से सेवा में बहाल किये जाने की तिथि तक का पिछला बकाया वेतन व अन्य लाभ प्राप्त करेगा।

अर्वार्ड

यह कि सहायक अभियंता (टेलीकाम) कोटा जंक्शन का आदेश प्रार्थी श्रमिक रामकरण को 1.5.86 से सेवा मुक्त करने का अर्वार्ड एवं अनुचित था। सहायक अभियंता का यह आदेश निरस्तनीय पाया जाता है। अतः प्रार्थी श्रमिक 1.5.86 से पुनः सेवा में पूर्ववत पद व वेतन पर बहाल होने का अधिकारी है और वह 1.5.86 से सेवा में पुनः बहाल किये जाने की तिथि तक का वेतन अर्वार्ड सहित प्राप्त करेगा और इस अवधि के दौरान यदि अन्य कोई देय लाभ भी अर्जित हुए हों या देय हुए हों तो वह भी प्राप्त करने का अधिकारी होगा। उक्त आदेश का पंचपट पारित किया जाता है। पंचपट की प्रति वास्ते प्रकाशनार्थ केन्द्र सरकार को अंतर्गत धारा 17(i) अधिनियम भेजी जावे।

प्रताप सिंह यादव, न्यायाधीश

[सं एस-40012/39/86-डी. II (बी) (पार्ट)]

का.आ. 1287.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वी.डब्ल्यू.आई.बांदीकुई के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 11-4-90 को प्राप्त हुआ था।

S.O. 1287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of P.W.-I, Bandikui and their workmen, which was received by the Central Government on 11-4-1990.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर.एच. जे. एम. केच नं.सी.आई.टी. 83/88

मध्य

श्री छोदू आलमज नानू मानी, मालीपुरा बांदीकुई एवं

पी.डब्ल्यू.आई. बांदीकुई राबस्थान।

रेफरेंस अंतर्गत धारा 10 (1) (घ) औद्योगिक विवाद अधिनियम, 1947

उपस्थिति

प्रार्थी की ओर से : कोई उपस्थित नहीं।

अप्रार्थी की ओर से : कोई उपस्थिति नहीं।

दिनांक अर्वार्ड : 6-1-90

अर्वार्ड

केन्द्रीय सरकार के श्रम मंत्रालय के डेस्क अधिकारी उनकी अधिसूचना सं. एल. 42012/108/87-डी-2 (बी) दिनांक 5-12-88 के द्वारा निम्न विवाद वास्ते अधिनिर्णय हेतु इस न्यायाधिकरण में अंतर्गत धारा 10 (1) (घ) औद्योगिक विवाद अधिनियम, 1947 जिसे तत्पश्चात् अधिनियम लिखा जायेगा प्रेषित किया है :

क्या पी.डब्ल्यू.आई.बांदीकुई के प्रबन्धतंत्र की श्री छोदू की सेवाएँ समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष का और किस तारीख से हकदार है ? ”

2. बकाया प्राप्त निर्देशन इसे इस न्यायाधिकरण में पंजीकृत किया गया। उभय पक्षकारान को नोटिस जारी किये गये। श्रमिक पक्ष की ओर से श्री एम.एफ. बंग उपस्थित आये तथा विपक्षी की ओर से श्री महेशशर्मा 1-4-89 को उपस्थित आये। श्रमिक पक्ष के प्रतिनिधि को क्लेम पेश करने के लिए आज दिन तक छः अवसर दिये जा चुके हैं लेकिन श्रमिक प्रतिनिधि ने आज दिन तक क्लेम पेश नहीं किया और आज श्रमिक पक्ष की ओर से आज कोई उपस्थित नहीं आया न ही कोई प्रार्थना पत्र पेश किया गया है। जबकि प्रार्थी श्रमिकों को भारत सरकार श्रम मंत्रालय की ओर से भेजे गये निर्देशन की प्रति में यह निर्देश दिये गये थे कि वह औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 10 (ख) के अधीन की गई व्यवस्था के अनुसार दावों का विवरण जो संगत दस्तावेजों सहित पूरा हो अवलम्बों (रिलाबन्स) तथा गवाहों की सूची इस निर्देशन आदेश की प्राप्ति के 15 दिनों के अन्दर अधिकरण के पास दायर करे एवं ऐसे विवरणों की एक प्रति इस विवाद में अन्तर्गम्य प्रत्येक विपक्षी पक्षकार को भी भेजेगा लेकिन प्रार्थी श्रमिक पक्ष ने आज दिन तक छः अवसर दिये जाने के बावजूद भी अपना कोई क्लेम पेश नहीं किया, अतः ऐसा प्रतीत होता है कि प्रार्थी श्रमिक उक्त विवाद को चलाने में रुची नहीं रखता है और आज पेशी पर भी उपस्थित नहीं हुआ है। इस प्रकार जाहिर होता है कि वे विवाद को चलाने में रुचि नहीं रखते हैं ऐसी सूरत में उक्त रेफरेंस में “कोई विवाद नहीं” का अर्वार्ड पारित किया जाना उचित समझता हूँ अतः उक्त निर्देशन में उपरोक्त परिस्थितियों के आधार पर “कोई विवाद नहीं” का अर्वार्ड पारित किया जाता है। पंचपट की प्रति केन्द्रीय सरकार को वास्ते प्रकाशनार्थ अंतर्गत धारा 17(1) अधिनियम भेजी जाये।

प्रताप सिंह यादव, न्यायाधीश
[सं. एल-42012/108/87-डी II (बी)]

नई दिल्ली, 20 अप्रैल, 1990

का.आ. 1288.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीकाम सिविल सर्व-डिवीजन, रांची के प्रबन्धतंत्र के सम्बद्ध

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार कि 10-4-90 को प्राप्त हुआ था।

New Delhi, the 20th April, 1990

S.O. 1288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Civil Sub Division, Ranchi and their workmen, which was received by the Central Government on 10-4-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

(In the matter of reference under section 10(1)(d) of Industrial Disputes Act, 1947)

Reference No. 132 of 89 & 94 of 89

PARTIES :

Employers in relation to the Telecom. Civil Sub Division, Ranchi.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri S. Pal, Advocate.

For the Workmen—Shri D. K. Verma, Advocate.

STATE : Bihar.

INDUSTRY : Telecom.

Dated, the 29th March, 1990

AWARD

The Central Government in the Ministry of Labour, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, was pleased to refer the following two industrial disputes for adjudication by this Tribunal :

Reference No. 132 of 1989 : (Order No. L-40012/41/88-D.II(B) Dt. 13-8-1989).

SCHEDULE

"Whether the action of the management of Telecom Civil Sub-Division, Ranchi, terminating the service of Shri Sudhir Kumar Biswas is justified ? If not, to what relief the workman is entitled?"

Reference No. 94 of 1989 : (Order No. L-40012/41/88-D-II(B) dated 13-8-89).

SCHEDULE

"Whether the action of the management of Telecom Civil Sub-Division, Ranchi, terminating the service of Shri Sudhir Kumar Biswas is justified ? If not, to what relief the workman is entitled ?"

2. Since the appropriate Government has made the identical reference in both these reference cases, they were amalgamated into one by order dated 16-1-90 passed in Reference No. 94 of 1989.

3. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

This award governs the Reference No. 94 of 1989.

4. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-40012/41/88-D.II(B)(Pt.)]

HARI SINGH, Desk Officer

नई दिल्ली, 16 अप्रैल, 1990

का.आ.1289:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुच्छेद में केन्द्रीय सरकार मैमर्स भारत कोकिंग कोल लिमिटेड की भुरुंगिया कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 10-4-1990 को प्राप्त हुआ था।

New Delhi, the 16th April, 1990

S.O. 1289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhurungia Colliery of M/s. Bharat Cooking Coal Ltd. and their workmen, which was received by the Central Government on the 10-4-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947
Reference No. 11 of 1989

PARTIES :

Employers in relation to the management of Bhurungiya Project of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri G. Prasad, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 30th March, 1990

AWARD

By Order No. L-24012/241/87-D.4(B), dated the 27th January, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of Bhurungia Colliery of M/s. Bharat Coking Coal Ltd. in not re-employing Sri Mathru Mahato and 16 others as per settlement is justified ? If not, to what relief are the workmen entitled ?"

2. The case of the management of Bhurungia Project of M/s. B.C.C. Ltd., as appearing from the written statement submitted, details apart, is as follows :

The present reference is not legally maintainable. Bhurungia colliery was closed by the erstwhile employer on 21st February, 1962. After the closure of the mine, an illegal, invalid and void settlement was entered into on 9-3-62 by the erstwhile employer and the union. The said union has

neither raised nor sponsored the present industrial dispute. No valid settlement was arrived at in the course of conciliation on 9-3-62 and the provisions of Industrial Disputes Act and Rules framed thereunder have not been complied with for effecting the settlement. That apart, no valid settlement can be effected while an industry is closed. Hence, there is no existence of a valid settlement and even if there is any, it is not binding on M/s. B.C.C. Ltd. The services of all workmen employed on the date of closure on 21-2-62 were terminated by the erstwhile employer of Bhurungiya colliery as a result of closure. It is not a case of retrenchment. The erstwhile owner did not open the mine any time thereafter and surrendered the lease of the coal bearing areas to the State of Bihar. Bhurungiya colliery was not nationalised nor was it taken over. There is no relationship of employer and employee between the concerned persons and M/s. B.C.C. Ltd. Anyway, after nationalisation of the Coking Coal Mines and Non-Coking Coal Mines, the Central Government formed a Government company, namely, M/s. Bharat Coking Coal Ltd. and entrusted the management and control of all coal mines to the said company. M/s. B.C.C. Ltd. re-organised small coal mines amalgamated and merged them with larger units for the purpose of scientific management. M/s. B.C.C. Ltd. took a fresh lease of coal bearing areas of Mousa Bhurungiya from the said Government of Bihar long after the closure of Bhurungiya colliery and merged a few other coal mines which were in existence in the vicinity and formed a project known as Bhurungiya Project. The Bhurungiya Project is not the same industrial establishment as it existed in the name and style of Bhurungiya colliery of M/s. Bhurungiya Coal Company. M/s. B.C.C. Ltd. is not the successor in interest of M/s. Bhurungiya Coal Company and hence the settlement, if thereby be any, is not binding on it. In the circumstances, the concerned persons can have no claim for reinstatement by the management of Bhurungiya colliery.

3. The case of the concerned workmen, as appearing from the written statement submitted on behalf of the sponsoring union, Bihar Colliery Kamgar Union, briefly stated, is as follows :

The concerned workmen were permanent workmen of Bhurungiya colliery. The operation of mines of Bhurungiya colliery was temporarily closed as per direction of the Department of Mines in the year 1962. The mine was temporarily closed with effect from 21-2-1962. The management retrenched all the concerned workmen along with other workmen with effect from 21-2-1962 without paying any retrenchment compensation in violation of the provisions of Section 25F of the Industrial Disputes Act. The workmen protested against the illegal and arbitrary retrenchment and termination of service and for non-payment of wages and other dues. The General Secretary of Khan Mazdoor Union raised an industrial dispute before the A.L.C. (C), Dhanbad for intervention and initiation of conciliation proceeding challenging illegal and arbitrary termination/retrenchment order. During the course of conciliation proceeding a conciliation settlement was arrived at on 9-3-62 between the management of Bhurungiya colliery and the workmen represented by Hind Khan Mazdoor Sangh. The term of settlement was that the workmen should be treated as on leave without pay from 3-2-62 till the colliery re-opened without effecting their continuity of service. The workmen of Bhurungiya colliery preferred a claim before the Regional Labour Commissioner (C) for recovery of wages as per conciliation settlement. They also filed a claim petition under P.W. Act before Sub-Divisional Officer, Baghmara. The aforesaid claim case was settled as per compromise petition. Bhurungiya Project was re-opened with effect from 29-4-76. Immediately after reopening of the mine the concerned workmen represented before the management and also to the Secretary, Government of India, Ministry of Labour, for their reinstatement with full back wages, but without any effect. The workmen raised an industrial dispute which was referred to the Central Government Industrial Tribunal No. 1, Dhanbad, for adjudication. The concerned workmen approached the management for their reinstatement in service with full back wages. But the management refused to settle the matter amicably. It is pertinent to mention here that during the pendency of reference case of Bhurungiya colliery a note-sheet was initiated by Shri B. N. Tha. Personnel Manager for taking back all the employees of Bhurungiya colliery on the ground that there existed a conciliation settlement for taking them back into employment. The aforesaid note-sheet was subsequently approved by Dy. Chief Personnel Manager and General Mana-

ger (Personnel) and Director (Personnel). As per direction of Director (Personnel) the Headquarter directed the Area to take back in employment the old employees of Bhurungiya colliery on the ground of settling the Reference No. 56 of 1982. But it is unfortunate that the names of workmen forwarded by the Headquarter are all fictitious. The union immediately protested against the mal-practice when the management withdrew the Office Order without passing any specific order. In the circumstances, the union has prayed that the concerned workmen be reinstated in service with full back wages.

4. In rejoinder to the written statement of the sponsoring union, the management has denied all the material allegations about the action of the management and asserted that the note-sheet was raised under a misconception of fact which, when discovered was withdrawn.

5. The parties arrived have not laid any evidence either oral or documentary.

6. It appears that Bhurungiya colliery was a coking coal mine owned by M/s. Bhurungiya Coal Company. The management of all coking coal mines were taken over by the Central Government with effect from 17-10-1971 by the enactment known as Coking Coal Mines (Nationalisation) Act, 1971. But the name of Bhurungiya colliery has not been specified there in the First Schedule nor any declaration with regard to the vesting of the management of Bhurungiya colliery in the Central Government was made by the Coal Board. Thus, the inescapable conclusion is reached that the management of Bhurungiya colliery, admittedly, a Coking Coal Mine, did not vest in the Central Government with effect from the appointed day i.e. 17-10-1971 or from any subsequent date.

7. Close on the heels of the aforesaid Act, the Coking Coal Mines (Nationalisation) Act, 1972 came into force with effect from 1-5-1972. Even here the schedule of coking coal mines nationalised does not include the name of Bhurungiya colliery. This being the position, I come to the conclusion that the management of Bhurungiya colliery did never vest in the Central Government nor the right, title and interest in relation to Bhurungiya colliery were transferred to the Central Government under the provisions of Coking Coal Mines (Nationalisation) Act, 1972. Both these Acts do not envisage that all the coking coal mines and coal bearing lands vested in the Central Government with effect from 17-10-71 nor do they envisage that all the coking coal mines were nationalised with effect from 1-5-1972.

8. There is no dispute that erstwhile employer closed down Bhurungiya colliery with effect from 21-2-62. But then again the case of the union is that a conciliation settlement was arrived at between the erstwhile owner of Bhurungiya colliery and the workmen of Bhurungiya colliery in terms of which it was agreed by the management to reinstate all the workmen of the colliery with continuity of service.

The management contended that this settlement has not been effected legally. But there is no vestige of evidence to indicate that the settlement was not legally effected. However, the crux of the matter is whether the settlement was effected legally or not, but that whether M/s. B.C.C. Ltd. is bound by such settlement or not.

9. In order to fasten the liability of reinstatement of the concerned workmen on the management of M/s. B.C.C.L., it has to be established that M/s. B.C.C. Ltd. is the successor in interest of M/s. Bhurungiya Coal Company, the erstwhile owner of Bhurungiya colliery. It is the definite case of the management that the erstwhile owner of Bhurungiya colliery surrendered their lease to the State of Bihar and thereafter the State of Bihar granted fresh lease of the coal bearing areas of Bhurungiya colliery and some other adjoining lands to M/s. B.C.C. Ltd. This statement of fact has not been disputed by the sponsoring union. So, it is obvious that M/s. B.C.C. Ltd. is a fresh lease holder of the demised land. It appears that M/s. B.C.C. Ltd. has started a Project with this land called Bhurungiya Project. This being the position, it can not be held that M/s. B.C.C. Ltd. is the successor interests of the erstwhile owner of Bhurungiya colliery. Hence, M/s. B.C.C. Ltd. has got no obligation to reinstate the concerned workmen in service on the basis of the settlement dated 9-3-62.

10. But the sponsoring union has asserted that a note-sheet was raised by the management for employment of all the workmen of Bhurungiya colliery in M/s. B.C.C. Ltd. But

that note-sheet, even if there be any, does not give right to the concerned workman to be reinstated in service of M/s. B.C.C. Ltd. unless it has been acted upon. But, as per own showing of the sponsoring union, the note-sheet was withdrawn. This means that the management did not want to put the matter through.

11. In the context of the facts and circumstances I am constrained to hold that the claim of the sponsoring union for reinstatement of the concerned workman as per settlement is not justified and the action of the management in not reinstating them is justified.

12. Accordingly, the following award is rendered—the action of the management of Bhurungiya Colliery of M/s. Bharat Coking Coal Limited in not re-instating Shri Mathur Mahato and 16 others as per the settlement is justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-24012(241)/87-D.IV(B)/IR(Coal-D)]

नई दिल्ली, 18 अप्रैल, 1990

का.आ. 1290:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड का मूनीदिह प्रोजेक्ट के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-90 को प्राप्त हुआ था।

New Delhi, the 18th April, 1990

S.O. 1290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Moonidih Project of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 10th April, 1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947
Reference No. 143 of 1988

PARTIES :

Employers in relation to the management of Moonidih Project, P.O. Moonidih, Dist. Dhanbad under Moonidih Area of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri R. S. Tiwary, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal

Dated the 30th March, 1990

AWARD

By Order No. L-20012/113/88-D.III (A)/D.IV (A) dated, the 31st October, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947—

Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Moonidih Project, P.O. Moonidih, Dist. Dhanbad under Moonidih Area of M/s. B.C.C. Ltd. in termination of the services of Shri Gandhari Kole, PRW, Token No. 6135 by their letter No. MND/Sudt/Dismissal/87/3435-63, dated 21/23-3-87 is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the management of Moonidih Project, as appearing from the written statement submitted by it, briefly stated, is as follows :

Gandhari Kole, the concerned workman, absented from duty with effect from 1-1-86 without permission or information and thereby committed serious misconduct of unauthorised absence for more than 10 days continuously. He did not submit any application for consideration of the management regarding the cause of his unauthorised absence till 21-6-86. The management issued him a chargesheet dated 21/25-6-86 for commission of misconduct of unauthorised absence without satisfactory cause for continuous period of more than 10 days. Domestic enquiry was held and the concerned workman was found guilty of misconduct for remaining absent unauthorised for a continuous period of more than 10 days. He was dismissed from service by letter dated 21/23-3-87. The management has submitted that its action is legal and bonafide and in accordance with the Standing Order and hence justified.

3. The case of the concerned workman, as appearing from the written statement submitted on his behalf by the sponsoring union, Rashtriya Colliery Mazdoor Sangh, is that he went authorised leave from 1-1-86, but unfortunately during the period of his leave and before expiry of his said leave he fell seriously ill for which he suffered for quite a long time. In the circumstances, he could not report for duty after expiry of leave. After recovery from illness he turned up before the management with a petition dated 21-2-87 along with medical certificate and requested the management for allowing him to resume duty. But he was not allowed to do so. As per version of the management he was issued a chargesheet dated 21-6-86 for absents from duty without leave or permission for more than 10 days with effect from 1-1-86. It has been stated that no chargesheet was received by the concerned workman and that the management, by its illegal and unilateral act, has dismissed him from service. Hence, the action of the management in dismissing him from service is illegal and unjustified and the sponsoring union has prayed that the concerned workman be reinstated in service with full back wages.

4. While the present industrial dispute was pending before this Tribunal for adjudication, the concerned workman submitted petitions dated 16-2-90 and 28-2-90 praying for withdrawal of the industrial dispute on account of some family reasons.

5. Since the concerned workman and sponsoring union are not interested in pursuing the present industrial dispute, there is nothing left for adjudication.

6. Hence, it is ordered—

that the present reference case be disposed of as withdrawn.

S. K. MITRA, Presiding Officer

[No. L-20012(113)/88-D.III (A)/D.IV (A)/IR (C-I)]

नई दिल्ली, 20 अप्रैल, 1990

का.आ. 1291:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स टाटा आइरन एंड स्टील लि. का जमाडोबा 6 व 7 पिट कोलियरी के प्रबन्धतंत्र में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-90 को प्राप्त हुआ था।

New Delhi, the 20th April, 1990

S.O. 1291.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Jamadoba 6 & 7 Pits Colliery of M/s. TISCO Ltd. and their workmen, which was received by the Central Government on the 12th April, 1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 52 of 1988

PARTIES :

Employers in relation to the management of Jamadoba 6 & 7 Pits Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri B. K. Ghose, Member Executive Committee, J. M. Singh.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 28th March, 1990

AWARD

By Order No. L-20012/24/88-D.III(A), dated, the 19th April, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of Jamadoba 6 & 7 Pits of M/s. Tata Iron & Steel Co. Ltd., P.O. Bhaga, Dist. Dhanbad in not regularising Shri Phagoon Ram as Driller and placing him in Category IV is justified? If not, to what relief the workman is entitled?"

2. The case of the management of Jamadoba 6/7 Pits of M/s. Tata Iron & Steel Co. Ltd., as appearing from the written statement submitted, details apart, is as follows :

The present reference is not maintainable since Janta Mazdoor Sangh, sponsoring union, is not a recognised union in the establishment and hence it is not competent to raise the present industrial dispute. As per various provisions of Coal Mines Regulations, 1957, it is necessary to put an under cut, side cut, middle cut with the help of coal cutting machine before drilling shot holes by means of drill machine for blasting the face. The face crew for operation of these machines consists of general mazdoors, coal cutting driver and machine driller etc. The channel of promotion is from general mazdoor to coal cutting machine helper, from coal cutting machine helper to driller and from driller to coal cutting machine driver. As per integrated scheme of operation at the time of cutting operation, the coal cutting machine driver operates the machine and the driller assists him and learns the job of driving and at the time of drilling operation the coal cutting machine helpers assist the driller and learn the job of operations of drill machine. The crew consists of workmen of Category I, III, IV and V or VI. Wherever there is exemption from under-cutting, side cutting, middle cutting by obtaining special permission from the Director General of

Mines Safety and solid blasting is carried on at the face, the use of coal cutting machine is not necessary and only drill machine is used. In such a situation a coal cutting machine helper is designated as Asstt. Driller/driller helper and he assists the driller and learns the job of operation of the drill machine. After he learns the job, the management declares him competent to operate the drill machine and he is regularised/promoted as driller. The concerned workman, Phagoon Ram, was appointed as general mazdoor on 1-8-66 and attached to the face crew on 5-9-73. He continued to work as general mazdoor till he learnt the job of helper of coal cutting machine/drill machine and was promoted as helper/Asstt. Driller in Category III as per circular dated 16-2-68 issued on the basis of Joint bipartite settlement with recognised union. He has been put in Category-IV with effect from 21-1-88 in accordance with Joint bipartite decision. There is no rule for regularisation of a workman on higher category prescribing the time limit after expiry of which he should be regularised. A general mazdoor is in Category-I whereas a driller/driller helper is in Category-IV. There can be no promotion of workman of Category-I to Category IV directly and the cadre scheme prescribes promotion of coal cutting machine helper in Category-III to driller in category-IV. There is no prohibition of creation of posts between Category-I and Category-IV under changed circumstances to meet the requirement. A general mazdoor may assist a driller, but there is no bar to create a post of Asstt. driller or drill helper and promote general mazdoor from Category-I to Category-III. The management had shown favour to the concerned workman by giving him chance to learn the job of higher category and promoting/regularising him at first as drill helper in Category-III and then promoting him to Category-IV. He could have no grievance of any kind against the management. In the circumstances, the management has prayed that the concerned workman is not entitled to any relief.

3. The case of the sponsoring union, Janta Mazdoor Sangh, as appearing from the written statement submitted by it on behalf of the concerned workman, briefly stated, is as follows :

The concerned workman is a permanent workman of Jamadoba 6 & 7 Pits colliery; he is employed in the new post of Driller since early 1985. He was not regularised in the new post of driller nor was he given proper category wages while his other colleagues were getting Category-IV wages. According to the system in TISCO collieries, the concerned workman represented his case before Grievance Committee, but to no effect. Since his case was not favourably considered by the management, an industrial dispute was raised before the Asstt. Labour Commissioner (Central), Dhanbad. During conciliation proceeding the management contended that the concerned workman was working as Asstt. Driver and not as Driller. It was pointed out that as per description of time rated workmen there was no such designation as Asstt. Driller and as per recommendations of National Coal Wage Board, reproduced in the N.C.W.A.I. this designation was to be abolished and the incumbents promoted as Driller. In the circumstances the concerned workman is entitled to get the proper designation of Driller and proper category wages from early 1985.

4. In the rejoinder to the written statement of the sponsoring union, the management has admitted that the concerned workman is a permanent workman, but has denied that he has been working as Driller since 1985. As a matter of fact he was working as Driller helper and learning the job of Driller. The management has admitted that he was not regularised/promoted as Driller and he was getting the wages of Asstt. Driller/Driller Helper in Category-III and learning the job of driller. The management has asserted that the Wage Board Recommendations, 1967 and N.C.W.A.I. of 1975 can not be treated as road blocks for all times to come and all system of working. There was no solid blasting prior to 1978 and the face crew consisted of different persons. The general mazdoor attached to Driller for helping the latter was in Category-I and driller helper/Asstt. driller in Category-III. But the management introduced new system and put the general mazdoor as Asstt. Driller or driller helper in Category-III.

5. In rejoinder to the written statement of the management, the union has asserted that the designation of Asstt. Driller should be abolished. It has been asserted that since the concerned workman was promoted as Driller helper from

September 1973 he is entitled to be placed in Category-IV with effect from 1985.

6. The management in order to justify its action has examined MW-1 V. P. Sinha, posted as Manager at 6 & 7 Pits colliery since 1985 and laid in evidence a number of documents which have been marked Exts. M-1 to M-3.

On the other hand, the sponsoring union has neither examined any competent witness including the concerned workman nor did it adduce any documentary evidence.

7. The management has contended that the present dispute is not maintainable as it has been raised by an unrecognised union, namely, Janta Mazdoor Sangh. Nevertheless, there is no dispute that the concerned workman is a member of Janta Mazdoor Sangh which, admittedly, is not recognised by the management. Even so, an unrecognised union is competent to raise an industrial dispute as has been done in the present case by Janta Mazdoor Sangh, an unrecognised union. This being the legal position, there is no bar in raising the dispute by an unrecognised union, Janta Mazdoor Sangh. In this view of the matter the present reference is maintainable.

8. Admittedly the concerned workman, Phagoon Ram, is a permanent workman of 6 & 7 Pits colliery of M/s. TISCO. The written statement of the management discloses that he was drafted into the service of the management as general mazdoor on 1-8-86. The sponsoring union has not disputed this position. Hence, it is concluded that the concerned workman was appointed as general mazdoor in 6 & 7 Pits colliery of M/s. TISCO on 1-8-86.

The written statement of the management discloses the system of coal cutting in 6 & 7 Pits colliery which has not been assailed by the sponsoring union. Anyway, MW-1 V. P. Singh, presently posted as Manager of 6 & 7 Pits Colliery, has stated that before 1978 the management was winning coal by solid blasting as well as by coal cutting machine and while coal cutting machine was in use both the machine crews and drilling crews were in one group. His evidence further discloses that since 1978 the management has not been using coal cutting machine and that coal is being raised by solid blasting and for the purpose of solid blasting the management has been employing only drill crews.

The written statement of the management discloses that the concerned workman was attached to the face crew on 5-9-73 and that he learned the job of helper of coal cutting machine/drill machine and was promoted as helper/Asstt. Driller in Category III as per circular dated 16-2-68 issued on the basis of Joint bipartite settlement with recognised union. The management has produced the implementation of Wage Board recommendation effected through discussion with Central Joint Implementation Committee dated 16/28-2-68 (Ext. M-1). Item No. 7 of this implementation is the scheme which envisages that all workman designated as Asstt. Driller and Drill Mazdoors prior to Wage Board recommendations should be re-designated as Drill Helper and put in Category-III. Thus, it is seen that in terms of this implementation scheme the concerned workman was placed in Category-III as Drill Helper or Asstt. Driller with effect from 16-2-1968.

9. It is the case of the management that they have since put the concerned workman in Category-IV with effect from 21-1-1988, in accordance with Joint bipartite decision. But the Joint bipartite decision (Ext. M-3) is dated January, 1988/1-2-88 and envisages that all Asstt. Drillers should be promoted to Category-IV. The management took this Joint bipartite decision in a meeting with the recognised union. In accordance with the Joint bipartite decision taken on 21-1-88 the management has promoted the concerned workman to Category-IV with effect from that date. (M-2). There appears nothing in the evidence to indicate that this action of the management is unjustified.

The concerned workman has not come forward to canvass his claim for promotion with effect from early 1985. There is no vestige of evidence to indicate that he has been discriminated against by the management because of the fact that some of his colleagues were getting Category-IV wages while he was left to stagnate in Category-III. The case of discrimination has been pleaded in the written statement of the sponsoring union, but no evidence has been laid to prove it. In the circumstances, I come to the conclusion that the

action of the management in promoting/placing him in Category-IV with effect from 21-1-88 is justified.

10. Accordingly, the following award is rendered the action of the management of Jamadoba 6 & 7 Pits Colliery of M/s. Tata Iron & Steel Company Ltd., Dhanbad, in regularising/promoting Phagoon Ram as Driller with effect from 21-1-1988 justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-20012(24)/88-D.III(A)/IR(Coal-I)]

का.आ. 1292:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. का गधुर कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार का 12-4-90 को प्राप्त हुआ था।

S.O. 1292.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Godhur Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on the 12-4-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947, Reference No. 83 of 1984

PARTIES :

Employers in relation to the management of Godhur Colliery of M/s. B.C.C. Ltd.,

AND

Their Workmen

PRESENT :

Shri S. K. Mitra,
Presiding Officer.

APPEARANCES :

For the Employers.—Shri G. Prasad, Advocate.

For the Workmen.—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 27th March, 1990

AWARD

By Order No. L-20012(263)/84-D.III(A), dated, the 25th October, 1984, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

"Whether the demand of Rashtriya Colliery Mazdoor Sangh for reinstatement of the workmen mentioned in the Annexure below, whose services were stopped in May, 1980 by the management of Godhur Colliery of Ms. Bharat Coking Coal Ltd., is justified? If so, to what relief are these workmen entitled?"

ANNEXURE

1. Smt. Nagesia Kamin
2. Smt. Somri Kamin
3. Shri Kuchra Dhikar
4. Shri Baleshwar Bhuiya.

2. The case of the sponsoring union, Rashtriya Colliery Mazdoor Sangh, as appearing from the written statement submitted on behalf of the concerned workers, details apart, is as follows :—

The concerned workers are regular employees of the management as wagon loaders and had been engaged originally in Dhansar/Kusunda Open Cast Project. By order dated 20-8-1979 issued by the Dy. Personnel Manager, Kusunda Area, seventeen workmen including the four concerned workers were transferred from Dhansar/KOCP to Godhur Colliery and all the workmen reported for duty and started performing their duties at Godhur Colliery as wagon loader. They worked there for a pretty long time. But suddenly the concerned workers were stopped from duty without any notice whatsoever in the month of May, 1980. It was revealed on enquiry from the management that the concerned workers were not genuine persons and that they were impersonators and hence they had been stopped from duty. The management did not disclose the source of its information nor did it disclose identity of other person or persons who, according to the management, were genuine workers. The management did not take any step to justify its action nor did it consider the claim of the concerned workers for employment even though they submitted proof of their genuineness by producing certificate with their respective photographs from Sarpanch of their respective Gram Panchayats and their identity cards which were issued by the management of Dhansar/KOCP while they were employed there. Besides identity cards, they were members of Coal Mines Provident Fund and thus their genuineness were beyond any shadow of doubt and their stoppage from work was motivated in order to make room for persons whom the management wanted to favour. In the circumstances, the present industrial dispute has been raised by the sponsoring union with the prayer that the concerned workers be reinstated in service in their original job of wagon loader with continuity of service and back wages, and other relief.

3. The case of the management of Godhur Colliery of M/s. B.C.C. Ltd. as appearing from the written statement submitted, briefly stated, is as follows :

The concerned workmen were casual wagon loaders and they were transferred along with 17 others workmen from Dhansar to Godhur colliery as casual wagon loaders where they were allowed to work. Sometime in May, 1980 it was found that these persons were impersonating and therefore they were stopped on the ground of impersonation. They were never in continuous service in Dhansar colliery and are not genuine workers. They were working in the name of other real workmen and so they were stopped. Since they were masquerading as "workmen" but were not the real workmen, they are not entitled to any relief in the present industrial dispute.

4. In rejoinder to the written statement of the sponsoring union, the management has further contended that the concerned workers were not regular employees of the management. They were not employed/engaged in Dhansar/KOCP. Some other persons having the same names who were the real employees were employed as casual workers in Dhansar/Kusunda Open Cast Project. The concerned workers along with others were transferred by Office Order dated 20-8-79 from Dhansar/KOCP to Godhur colliery. It was subsequently found out that these persons were impersonating and so they were stopped. They are not genuine workmen. They were casual wagon loaders and had not completed 240 days of attendance or more during the preceding twelve months as casual wagon loaders. They are not entitled to be reinstated either as casual wagon loaders or in any other capacity.

5. The sponsoring union has examined two out of four concerned workers, namely, WW-1 Nagesia Kamin and

WW-2 Somri Kamin and laid in evidence some documents which have been marked Exts. W-1 to W-3.

On the other hand, the management has examined two witnesses, namely, MW-1 L. Sahu, Sr. Personnel Officer who was posted to Godhur Colliery from 1981 to 1984 and MW-2 P. R. Shukla, posted to Kusunda Area of M/s. B.C.C. Ltd. as Sr. Personnel Officer since October, 1988 and laid in evidence only one item of document which has been marked Ext. M-1.

6. The case of the sponsoring union is that the concerned workers were regular employees of the management and they were originally engaged in Dhansar/KOCP and from there they along with 13 others were transferred to Godhur Colliery by order dated 20-8-79 of the Dy. Personnel Manager Kusunda Area and that they worked in Godhur colliery for sometime and were stopped from duty without any notice whatsoever from the month of May, 1980.

The contra case of the management rests on two planks as revealed from the written statement submitted on 8-3-88 and the rejoinder submitted also on the same date. It is worthwhile to mention that the sponsoring union submitted its written statement on 8-12-87 which was received by Shri G. Prasad, learned Advocate for the management on 18-1-88. Thus it is seen that when the management submitted its written statement and rejoinder it had full fore knowledge of what contained in the written statement of the sponsoring union submitted on behalf of the concerned workers. Anyway, in the written statement the management has admitted that the concerned workers were casual wagon loaders and they along with 17 others were transferred from Dhansar colliery to Godhur colliery as casual wagon loader and that it was found subsequently that they were impersonating and so they were stopped from duty on the ground of impersonation. In the rejoinder the management has come up with a case that the concerned workers were not regular employees of the management and that some other persons having the same name as the concerned person were the real employees and were employed as casual wagon loaders in Dhansar/KOCP. Nevertheless, the management has admitted in the rejoinder that the concerned workers were transferred to Godhur Colliery from Dhansar/KOCP by Office Order dated 20-8-79.

Thus it is revealed from the written statement submitted by the management that despite the allegation of impersonation by the concerned persons the management has failed to spell out in what manner the impersonation was accomplished. But in the rejoinder it is the definite case of the management that the concerned persons were passing off by the names of some genuine workmen having the same name as theirs.

7. Personation is an assumption of the name and character of another person a pretence of being another. To personate mean to pretend to be a particular person. WW-1 Nagesia Kamin, one of the concerned workers, has deposed on oath before me that about 11 or 12 years ago they started working as wagon loader in Dhansar/KOCP and that she along with 16 others were transferred to Godhur colliery from Dhansar in 1979 and at Godhur colliery they were not allowed to join while rest 13 workmen were allowed to join. She has further stated that they submitted application to the management of the colliery for allowing them to join their duties and that they submitted photographs duly attested by Panchayat before the management, but even then the management did not allow her and others to join duties. WW-2 Somri Kamin has stated that WW-1 Nagesia Kamin was her co-worker and that they started working at Dhansar/KOCP as wagon loader and that some 10 and 11 years ago she including WW-1 Nagesia Kamin were transferred to Godhur colliery where they worked for some days and thereafter they were stopped from work and that out of 17 workers transferred to Godhur colliery, 13 workers have been working there, but they were stopped from work. She has further stated that she got his photograph attested by Gram Panchayat and submitted application before the management along with photograph. But even after submission of application, the management did not allow them to join duties. Thus, the evidence of these two witnesses, firmly establishes the position that they started working in Dhansar/KOCP as wagon loader and that they were transferred to Godhur colliery along with 13 others some 10-11 years ago and that the management stopped

them from duty and even in spite of their submission of applications with photographs attested by Panchayats, they were not allowed to resume duties. MW-1 L. Sahu, Sr. Personnel Manager, who was posted to Godhur colliery from 1981 to 1984, has not vouched for the fact that the concerned workers including the two female workers who have deposed before this Tribunal, were impersonating some other genuine workers. MW-2 P. R. Shukla, Sr. Personnel Officer, Kusunda Area of M/s. B.C.C. Ltd. has also not disputed the identity of the concerned workers including the two female workers who have deposed before this Tribunal.

The copy of the order dated 20-8-79 issued by Dy. Personnel Manager, Kusunda Area reveals that the concerned workers including the two female workers along with 13 others were transferred from Dhansar[KOCP] to Godhur colliery as casual wagon loaders (Ext. W-3). The order also reveals the identity card numbers of the workers so transferred and they were directed to report for duty to the Superintendent, Godhur Colliery along with their Identity Cards and necessary release certificate from the Project Officer, Dhansar[KOCP].

Shri G. Prasad, learned Advocate for the management, has submitted that no reliance should be placed on the order of transfer. On the other hand, Shri S. Bose, Secretary of the sponsoring union, has contended that full reliance should be placed on this copy of Office Order. (Ext. W-3).

The record bears out that this copy of the Office Order was produced by the sponsoring union way back on 18-4-88 with a prayer that the management be directed to produce the original document. By order dated 18-4-88 the management was directed to produce the original document, but it did never do so. Besides, the management has admitted that the order of transfer dated 20-8-79 was issued. In the circumstances, I have no hesitation to hold that this copy of transfer order is genuine document and full reliance should be placed on it.

8. The management has contended that the concerned workers were impersonating some other persons having the same names. But nothing has been adduced in evidence in support of this contention. The alleged real persons have not been produced before me nor has any document been produced in support of the identity of the supposed real persons.

9. It is the emphatic case of the sponsoring union that the concerned workers in proof of their genuineness, produced certificates with their photographs from Sarpanch of their respective Gram Panchayats. Attested photographs of the two female workers, namely, Nagesia Kamin and Somri Kamin alongwith their applications have been produced before me and marked Exts. W-1 and W-2. It is the further case of the sponsoring union that the concerned persons produced their respective identity cards before the management. These statement of facts have not been denied by the management. This being the position, I have no hesitation to hold that the concerned female workers are genuine workers who were working in Dhansar[KOCP] as wagon loaders and were transferred to Godhur Colliery in the same capacity where they worked for sometime and were stopped from duty by the management with effect from May, 1980.

10. The management has tried to fish out the evidence at the time of hearing by stating that the Police has seized the relevant documents of the management. MW-2 P. R. Shukla has claimed to have seen the document lying in the file of the Police Officer who visited the Area Office on 25-3-1990 relating to this case and also in connection with Jharia P. S. Case No. 696/85 dated 25-12-1985. But he could not produce any seizer list showing seizer of documents from the management by the Police nor could he state the specific provision of I.P.C. under which the criminal case was launched, nor could he state as to who lodged the F.I.R. The management has not pleaded in its pleading that necessary document could not be produced as the same were seized by the Police in connection with any criminal case. Anyway the management could have taken back relevant documents from the Police even after seizure and produced the same before this Tribunal with an undertaking to the Police to submit the document after the present case is over. This, the management has not done

and so the contention of the management that they could not produce the document because of seizure of the same by the Police is as porous as leaky boat.

11. Anyway, I have already come to the conclusion that the concerned two female workers were genuine workers of Dhansar[KOCP] where they were working as wagon loaders and that they were transferred to Godhur Colliery where they worked for sometime and were stopped from duty with effect from May, 1980. The order of transfer issued by Dy. Personnel Manager, Kusunda Area, dated 20-8-79 (Ext. W-3) discloses that these two female workers were engaged in Dhansar[KOCP] as casual wagon loaders and in that capacity both of them along with others were transferred to Godhur Colliery. It is common knowledge that the main function of the coal industry is to raise coal and sell it to customers directly or by transportation. This being the position, wagon loading job is considered to be of permanent in nature. There is nothing in evidence to disclose that even though the concerned two female workers were engaged as casual wagon loader, their services at any stage was considered unnecessary by the management. In this view of the matter their services in the colliery is considered to remain uninterrupted if the management had not stopped them from service. Since they are genuine workers and their services are not considered unnecessary and surplusage, the management is not justified in stopping them from work. In the circumstances, they are entitled to be reinstated in service with back wages and continuity of service from the date they were stopped from service till the date of order of the present reference treating their absence from duty during the period as leave without pay.

12. When the termination of service is not justified award of full back wages is the normal rule and the burden of showing that the normal rule shall not be followed and that the employees should not be awarded full back wages is on the employer (1989 (11) L.J. 86 (A.P.P.)). This being the legal position, the management is to satisfy as to why full back wages shall not be awarded to the concerned female workers. Unfortunately, the management has not adduced even a whit of evidence in order to discharge its onus. Hence, the concerned two female workers are entitled to full back wages. But the question remains for consideration is the period for which they are entitled to full back wages.

13. The present reference is dated 25-10-1984. The industrial dispute, as per showing of the management was raised atleast on 18-2-1984. (Ext. M-1). This being the position, the two concerned female workers are entitled to get back wages with effect from 18-2-1984 till they are permitted to resume duty by the management.

14. Hence, the following award is rendered—the demand of Rashtriya Colliery Mazdoor Sangh for reinstatement of the two concerned female workers, namely, Smt Nagesia Kamin and Smt. Somri Kamin, who were stopped from duty in May, 1980 by the management of Godhur Colliery of M/s. B.C.C. Ltd. is justified. The management is directed to reinstate these two female workers in service within one month from the date of publication of the award and to pay them full back wages from 18-2-1984 till they are allowed to resume duty and also to give them continuity of service from May, 1980 till 18-2-84 and their absence from duty during the period between May, 1980 till 18-2-84 should be treated as leave without pay. The concerned female workers are directed to report for duty immediately after one month from the date of publication of the award.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer.

[No. L-20012(263)/84.D.III(A)/I.R.(CII)]

K. J. DYVA PRASAD, Desk Officer

का.आ. 1293:—औद्योगिक विवाद अधिनियम 1947
(1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार व
मैसर्स ईस्टर्न कोलफील्ड्स लि. की मोदपुर केमियरी

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-4-90 प्राप्त हुआ था ।

New Delhi, the 18th April, 1990

S.O. 1293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Umrer Colliery of M/s. W.C. Ltd. and their workmen, which was received by the Central Government on 6-4-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(39)/1989

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Umrer Colliery, Umrer Project, P.O. Umrer, District Nagpur (M.S.) and their workman Shri B. M. Dwivedi, Overman, represented through the Koyla Shramik Sabha (HMS) Post Umrer Project, District Nagpur (M.S.)

APPEARANCES :

For Union—None.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Nagpur (M.S.)

Dated, the 20th March, 1990

AWARD

This is a reference made by the Central Govt. Ministry of Labour, vide its Notification No. L-22012(122)/88-D.IV (B) dated 15-2-1989, for adjudication of the following dispute :—

“Whether the action of the Management of Umrer Colliery of M/s. W.C. Ltd. in denying promotion to Sri B. M. Dwivedi, Overman as a Senior Overman as per their Office Order dated 19-6-81 is justified ? If not, to what relief the workman concerned is entitled ?”

2. In the reference itself the Central Government has directed the party raising the dispute to file the statement of claim along with documents, list of witnesses etc. within 15 days before this Tribunal supplying copies thereof to the opposite party. On receipt of the reference order this Tribunal also issued notice to the parties to file their statement of claim etc. Management filed its statement of claim as early as on 27-3-1989. But neither the workman concerned nor representative of the Union took part either to put their appearance before this Tribunal or send the statement of claim in spite of several opportunities given by this Tribunal. Now a letter No. KSS/UMR/1500—2 dated 16-3-1990 from the Koyla Shrami Sabha (the sponsoring Union) has been received. The letter reads as under :—

“Please refer to the above stated case in respect of Sri B. M. Dwivedi, Overman, WCL Umrer Colliery, we beg your permission to withdraw the dispute as we are discussing the matter with management to solve it amicably at this end.

So, this dispute may kindly be closed. In convenience is very much regretted”

Copy of the above letter has also been forwarded to (1) The General Manager, (N), ECL; Nagpur (2) Dy. C.P.M. (N), W.C.L. Nagpur and Sub-Area Manager, WCL Umrer.

3. In view of the above letter of the Union dated 16-3-1990 no dispute subsists for adjudication by this Tribunal. Hence a no dispute award is passed. No order as to costs.

V. N. SUKLA, Presiding Officer
[No. L-22012(122)/88-D.IV (B)/IR (C-II)]

का.आ. 1294:— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्ड्स लि. की बान्कोला कोलियरी के प्रवन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-4-90 प्राप्त हुआ था ।

S.O. 1294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bankola Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 5-4-1990.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 30 of 1988

PARTIES :

Employers in relation to the management of Bankola Colliery of M/s. E.C. Ltd.,

AND

Their workmen.

PRESENT :

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES :

On behalf of Management—Mr. B. N. Lala, Advocate.

On behalf of Workmen—None.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012(93)/86-D.IV (B) dated 20-4-87, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Bankola Colliery of M/s. E.C. Ltd. to superannuate Sri Bhabataram Karmakar, Pump Khalasi w.e.f. 1-7-1981 when he was declared medically unfit on 3-3-81 and to deprive him of getting his dependant employed in his place under Clause 10.4.3 of N.C.W.A. II was justified ? If not, to what relief the workman concerned is entitled ?”

2. When the case is called out today, Mr. B. N. Lala, Advocate appears for the Management. Nobody appears for the Union. A petition has however been received from the Union stating therein that the Union is not interested to proceed with the present reference and the Union has prayed for a “No Dispute Award”. Mr. Lala appearing for the Management has no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Lala appearing on behalf of the management, I find that this Tribunal has no other alternative but to pass a “No Dispute Award” and accordingly a “No Dispute Award” is passed.

This is my Award.

Dated, Calcutta,

The 26th March, 1990

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012(93)/86-D.IV (B)/IR (C. II)]

का.आ. 1295:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्ड्स लि. को सोदपुर कोलियरी

के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार की 11-4-90 को प्राप्त हुआ था।

S.O. 1295.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Govt. Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sodepur Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 11-4-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 24/88

PRESENT :

Shri N.K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Sodepur Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers.—Sri B.N. Lala, Advocate.

For the Workman.—Sri Samiran Chakravorty, General Secretary, Coal Mines Employees Union.

INDUSTRY.—Coal STATE.—West Bengal.

Dated, the 29th March, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012(172)/87-D. IV(B) dated 15-2-1988.

SCHEDULE

"Whether the action of the Management of Sodepur Colliery of M/s. E.C. Ltd., in dismissing Sri Gopal Bouri with effect from 23-12-86 was justified? If not, to what relief the workman is entitled?"

2. The case of the management in brief is that the concerned workman Sri Gopal Bouri was a Trammer of Sodepur Colliery under Eastern Coalfields Ltd. Sri Gopal Bouri absented himself from duty without any notice or authorised leave from 16-5-86 for which the following chargesheet was issued :

"You have absented yourself from duty without notice or authorised leave from 16-5-86 thereby causing dislocation of the Company's work and inconvenience of your fellow workers.

Your absence amounts to misconduct under the provision of Section 17 (1) of the Standing Orders, your Services will be terminated with effect from the date of your unauthorised absence unless I receive a satisfactory explanation of your absence and of your failure to inform me of your absence within one week."

3. The chargesheet was duly received by Sri Gopal Bouri but he did not submit any explanation. Then a notice was sent to Gopal Bouri giving him fresh chance to submit his explanation within 48 hours, but Gopal Bouri did not submit any explanation though the notice was duly received by him.

4. Then the management drew up a proceeding against him for domestic enquiry and Sri S.N. Roy, U. Manager was appointed as the Enquiry Officer to conduct the enquiry. In due course Sri S. N. Roy held the enquiry. Notice of enquiry was sent to Gopal Bouri but he did not attend the enquiry. Sri Roy held an exparte enquiry in the domestic proceedings. After examination of witnesses and considering the materials produced before him he found Gopal Bouri guilty and submitted his report for dismissal of Gopal Bouri. Thereafter the appropriate authority dismissed Gopal Bouri from service w.e.f. 23-12-86.

5. The case of the concerned workman Gopal Bouri in brief is that he was a Surface Trammer at Boniemehari Colliery and he was transferred to Sodepur Colliery in 1985. In Sodepur Colliery he was forced to work as Underground Trammer. Due to hazardous work performed by him as underground loader in Sodepur Colliery he fell ill and could not attend his duty. On 23-11-86 he joined his duty. But he was dismissed from service w.e.f. 23-12-86. He raised a dispute against the order of dismissal. But the attempt of conciliation failed and the matter was sent to the Ministry and ultimately the matter was referred to this Tribunal for adjudication.

6. The Reference Order was received by this Court on 22-3-88. But in the meantime the concerned workman Gopal Bouri died on 15-3-88. It has been alleged that he had been suffering from Cancer. The wife and other heirs of Gopal Bouri applied before this Court to conduct the proceedings through their Agent Sri Samiran Chakravorty the General Secretary of Coal Mines Employees Union, Disergarh. By the Order dated 21-11-89 such permission was accorded by this Court.

7. In a Reference like the present one, firstly we are to see whether the domestic enquiry was properly and fairly conducted. Secondly we are to see whether the finding of the domestic enquiry was correct. Thirdly we are to consider whether the punishment was proportionate or not.

8. As regards first point I find that Sri S. N. Roy was properly appointed by the appropriate authority as Enquiry Officer and he held the enquiry serving due notice upon the delinquent workman. In spite of service of notice the concerned workman did not appear in the domestic enquiry and it was heard ex parte. So considering the materials on record and the facts and circumstances, it must be held that the domestic enquiry was fairly and properly held and it was not perverse. Sri Samiran Chakravorty the learned representative of the heirs of the deceased workman also ultimately did not challenge the validity and fairness of the domestic enquiry (vide Order dated 6-3-90). So this point was answered in favour of the management.

9. As regards second point we find that the domestic enquiry was held ex parte. It appears from the record that in spite of service of notice the delinquent workman Gopal Bouri did not attend the enquiry. The Enquiry Officer examined the witnesses and considered the documents produced before him and after considering all the materials and the oral evidence he found that the charge against Gopal Bouri was duly proved and he recommended his dismissal from service. After reappraisal of the materials on record, I find nothing to disagree with the learned Enquiry Officer. So this point is also answered in favour of the management.

10. As regards third point we are to consider whether the punishment awarded in this case is proportionate with the fault or the offence committed by the delinquent workman. I find from the charge-sheet that the concerned workman Gopal Bouri was absent from 16-5-86. A good number of certificates and other papers have been filed from the side of the concerned workman to show that he was suffering from various ailments and there is medical certificate on record to show that ultimately he died of Cancer. In these hard days it is very difficult to believe that a family man absented himself from his duty without any reasonable cause. Considering the materials on record and the facts and circumstances I believe that the concerned workman Gopal Bouri could not attend his duty due to his illness. For such absence from duty he has been dismissed from service which is worse than capital punishment in the present age. So I find that the punishment awarded in this case is disproportionate and I find that the action taken by the management in dismissing Sri Gopal Bouri with effect from 23-12-86 is not justified.

11. The following types of punishments have been recommended for the offence or misconduct under the Industrial Disputes Act, 1947 :

- (1) Dismissal or demotion.
- (2) Stoppage of increment or fine.
- (3) Suspension without pay for 10 days.

13. Considering the nature of the present case and the facts and circumstances, I find that the punishment for suspension without pay for 10 days would meet the ends of justice in the instant case for the misconduct of the concerned workman. Consequently I set aside the order of dismissal as it is disproportionate with the offence committed by the con-

cerned workman. I impose the punishment of suspension without pay for 10 days with effect from 23-12-86 to 1-1-1987. The concerned workman Gopal Bouri should stand reinstated with effect from 2-1-1987.

13. Sri Gopal Bouri died on 15-3-88. So it must be held that he died in harness during the period of his service if it is found that he died on or before the date of his superannuation and in that event his heirs will be entitled to get all such benefits and reliefs as admissible under the rules for such a premature death.

14. As regards back wages I find that according to N.C.W.A-III & IV, Point 6.4 a workman is entitled to get half pay leave for six months before his death if the death is due to Cancer. In the instant case we find that Gopal Bouri died of Cancer. So Gopal Bouri must be given his half of wages for six months before his death commencing from 16-9-87 to 15-3-88. But from 2-1-87 to 15-9-87 he is not entitled to get any wages and this period should be treated as leave without pay.

14. All the dues of the concerned workman Gopal Bouri should be given to his legal heirs and the legal heirs must also be given the benefits and reliefs which they are entitled to get when a workman dies during the period of his service under the rules. Hence

ORDERED

- (1) The dismissal order of Gopal Bouri with effect from 23-12-86 is not justified and the dismissal order is set aside.
- (2) Punishment of suspension without pay with effect from 23-12-86 to 1-1-87 is imposed upon Gopal Bouri (since deceased on 15-3-88).
- (3) Gopal Bouri shall stand reinstated with effect from 2-1-1987.
- (4) The heirs of Gopal Bouri shall be given all benefits and reliefs under the rules and N.C.W.A., if it is found that he died before the date of his superannuation accepting that he died during his service period.
- (5) The last six months of the life or service period of Gopal Bouri shall be treated as half pay leave as he died of Cancer and his heirs should be paid the dues for the said period.
- (6) The remaining period commencing from 2-1-87 shall be treated as leave without pay.

15. This is my award.

N. K. SAHA, Presiding Officer

[N. 1-24012(172)/87-D.IV. B/IR(C.II)]

का.ग्रा. 1296:-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत् में केन्द्रीय सरकार व मैसर्स एम.सी.सी.लि., कोयागदम के प्रबन्धतन्त्र में संबद्ध नियोजकों और उनके कर्मचारों के बीच अन्तर्बन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित कम्पी है. जो केन्द्रीय सरकार को 5-4-90 को प्राप्त हुआ था ।

S.O.1296.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. S. C. Co. Ltd., Kothagudem and their workmen, which was received by the Central Government on 5-4-90.

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT

Sri D. Ramalinaga Swamy, B.Com., B.L., Industrial Tribunal.

Dated : 14th March, 1990

INDUSTRIAL DISPUTE NO. 16 OF 1983

BETWEEN

The Workmen of Singareni Collieries Company Limited, Kothagudem, Khammam District. (A.P.).

AND

The Management of Singareni Collieries Company Limited, Kothagudem, Khammam District (A.P.).

APPEARANCES :

M/s. V. Jagannadha Rao and V. Venkata Ramana, Advocates for the Workmen.

Sri K. Srinivasa Murthy, Advocate for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22011/105/82-D. III(B) dated 23-8-1983 referred the following dispute under Section 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the employers in relation to the Singareni Collieries Company Limited and their workmen to this Tribunal for adjudication :

"Whether the management of Singareni Collieries Co. Limited, Kothagudem Collieries, Khammam District is justified in not allowing category V to Trammers in view of the enhanced work load of trammers consequent upon introduction of 56.25 Cft. tubs in the place of 45 Cft. tubs in the year 1976 ? If not, to what relief the workmen are entitled to ?"

This reference was registered as Industrial Dispute No. 16 of 1983 and notices were issued to the parties.

2. The brief facts of this dispute are as follows :—The Central Wage Board for Coal Industry fixed the Trammers in Category III as can be seen from Ex. M1. The workmen of Singareni Collieries Company Limited raised a dispute in I. D. No. 30 of 1967 which resulted in "Raghunath Reddy's Arbitration Award" Ex. M2 dt. 11-2-1974. As can be seen from page 6 of Ex. M2, the award with regard to the categorisation of trammers is, that as the trammers in this Company are also being additional work such as that of clin-men/points-men/couplers/signals etc., it 1083 GI/90—9

was recommended that the trammers of Singareni Collieries, who are required or who are doing the said additional work in addition to the prescribed job of trammers should be placed in Category IV w.e.f. 15-8-1973. In spite of this recommendation to be applicable only to a limited number of trammers who actually do or expected to do the said additional work, the Singareni Collieries Company Limited placed all trammers in Category IV w.e.f. 15-8-1973 irrespective of the size of the tubs handled by the trammers. In the year 1976, the Singareni Collieries introduced tubs of the size of 56.25 Cft., in the place of the then existing tubs of size of 45 Cft. Due to the introduction of larger size of the tubs, the wages of Coal Fillers were increased, but there is no increase of wages for the Trammers. Hence this dispute is raised, demanding that in view of the increase in the capacity of the tubs, there is an increase in the workload of the trammers, and that therefore, they should be placed in Category V, and it resulted in this reference.

3. The following points will arise for consideration in this dispute :

- (1) Whether there is any enhancement of workload of the trammers consequent upon the introduction of the larger tubs justifying upgradation of category of trammers from Category IV to Category V ?
- (2) Whether it is a fit case to upgrade the category of the trammers in the circumstances of the case ?
- (3) To what result ?

4. Point No. 1 : The workmen and the management filed their claim statement and the counter respectively. The claim of the trammers is : that due to the increase of the capacity of the tubs from 45 Cft. to 56.25 Cft., there is considerable increase of workload; that the wages of coal fillers etc., are considerably increased; and that therefore, they should have upgradation to Cat. V. On the other hand, the plea of the Management is : that the trammers are already enjoying the benefit of Category IV though the Central Wage Board placed them only in Category III; that there will be no increase of any workload for the trammers just because the capacity of the tub is increased; that on the other hand, there will be a reduction of workload; that even if there is any increase in the workload, it is not at all considerable but negligible; that the trammers are time-rated workers, and they cannot be compare themselves with piece-rated workers; that the financial position of the Management also will not justify any upgradation resulting in higher wages to the trammers; and that therefore, they need not be placed in Category V. WWS, 1 to 3 are examined for the workmen, and MWS, 1 to 4 were examined for the Management, and Exs. W1 to W3 and Ex. M1 to M10 were marked for both sides. In Ex. M1, the Central Wage Board described the job of Trammers as : "Trammers is a workman who with or without the assistance of other Trammers pushes or controls the travel of, full and empty tubs", and the trammers was placed in Category III.

5. Clip-men/Point-men/Coupler/Signal-men was placed in Category V by the Wage Board Recommen-

dation (Ex. M1), and his job was described as : "a workman who is engaged in coupling up the sets of trains of tubs, in attending to the points of crossing which direct the travel of the tubs and in coming signals to the Haulage Khalasi".

6. Admittedly in Singareni Collieries Company Limited, the trammers are doing not only the job of a trammer but also the job of clip-men|Points-men|coupler|Signal-men. It is only in view of this fact in "Raghunath Reddy's award", it was recommended that the trammers of this Company should be placed in Category IV, and the Management ultimately placed all the trammers of the Company in Category IV by implementing the award. Therefore, when we have to consider whether there will be any increase of workload due to the enhancement of the capacity of the tub from 45 Cft. to 56.25 Cft., we have to bear in mind, that a trammer is also doing the additional job of clip-men, points-men, coupler and signal men to which I shall hereinafter refer to as "C.P.C. S." in this Award.

7. W.W1 is a trammer working since the year 1972. He deposed, that if any tubs are de-railed, the trammer has to re-arrange it, that a small tub can be re-railed by four persons but a bigger tub can be re-railed by 8 persons, and that, therefore, there is an increase of workload for a trammer. In the cross examination, he admitted, that they take the assistance of other workers for re-railing a de-railed tub. The evidence of W.W2 who is also a trammer corroborates to the same effect. W.W3 is the General Secretary of the S. C. Trammers and Munshies Association and he is also a Trammer. He also deposed, that there is an increase of workload due to the introduction of bigger tubs.

8. M.W1 is the Deputy Chief Personnel Officer who filed various documents for the Management. He deposed, that the size of the tub does not make any difference in the nature of the work of a trammer; that unlike Coal India, the pushing of the tub is mostly done by the Fillers for whom Pushing Allowance is paid separately, that the payment is made to the Coal Filler in proportion to the size of the tubs; that in Coal India, trammers handling 56.25 Cft. tubs and above are paid only as per the wages of Category III, and Exs. M3 and M4 are the letters received from the Central Coal Fields in this regard. M.W2 is the Mine Manager who deposed that the trammers will do coupling, and clipping of the tubs, and signalling and changing the points, occasionally pushing the tubs; that if there is any de-railment once in a way, they will re-rail it by mechanical means or with the help of others; at that every change point and whenever the Supervisory staff and the Management feel it necessary, they provide mechanical re-railers for re-railing the de-railed tubs; that there are also portable re-railers which can be carried from place to place to re-rail the de-railed tubs; that for the movement of the tubs, they provide favourable gradient and where-ever it is not possible, they provide Haulers with ropes to move the tubs; that they designed the tracing mostly in favour of the gradient, that all the Haulers are power driven. For clipping, signaling and changing the points, only trammers are used. The Coal Fillers in Singareni Collieries after de-

taching the ropes, they push the tubs to their working place, fill and bring them back to the same point, and for that work the Coal Fillers are paid extra allowance. In all the junctions, the Coal Filler help the trammers, because the junction is a common point for both the trammers and the Coal Fillers. The size of the tub has no relevance to the coupling, signaling and changing the points. The size of the tubs does not have extra workload to the trammers but on the other hand it lessens the workload. The de-railments may be one or two in each shift but re-railment will be done automatically by re-railers provided by the Management generally. M.W4 is the Chief Industrial Engineer, and M.W3 is the Assistant of M.W4. They both made a special study with regard to the effects of enhancement of the capacity of the tubs. M.W3 deposed : that due to the enhancement of the tub size, there is reduction of workload because, the number of tubs that need be handled by the Trammers for a specified quantity of the coal will be lessened if the tub capacity is increased; that with regard to the work of signalling, coupling etc., there is no increase of work-load. M.W4 also gave evidence to the same effect. M.Ws. 3 and 4 prepared comparative charts Ex. M7, Ex. M7(a), Ex. M7(b) and Ex. M18. Ex. M18(a) and Ex. M18(b) with regard to the results of the enhancement of the tub capacity. Based on this evidence, it is contended for the Management, that there is practically no increase of workload due to the enhancement of the tub capacity.

9. The version of the workmen as deposed to by W.Ws. 1 to 3 is : that whenever there is any de-railment, for the purpose of re-railing the tubs, more number of persons are required. I think that this is no ground to say, that there is an increase of workload. As per the evidence of W.Ws. 1 to 3 and also M.Ws. 1 to 4, there are automatic re-railers in some places; but whenever there are no such mechanical re-railers, manual labour is used for re-railing the de-railed tubs. The Coal Fillers or other workers who are in duty nearby supply the necessary additional man-power for re-railing the de-railed tubs. If a de-railed tub of the capacity of 45 Cft. requires four persons for re-railing, a tub of 56.25 Cft. requires 8 persons for re-railing. It is a matter for the Management to provide the necessary additional men required, but under no circumstances it can be said, that there is any increase of work load on this count.

10. It is contended for the workmen, that the tubs have to be pushed manually at some places, and especially on the outer surface of the Mine, and that therefore due to the increase of the tub capacity, there will be heavy load and weight of the loaded tub, and it will requires more manual energy. But strangely W. Ws. 1 to 3 did not speak even a word about this aspect of pushing the tubs if any required during the job of the trammers. The Management conceded in its counter in para 5 : "It may be also pointed out that except on surface where few surface trammers are employed, generality of the trammers do very little pushing to justify to this unreasonable demand for further higher category". Except this admission on the part of the Management, there is no evidence coming forth for the workers to show, that

there is any increase of workload due to any pushing either inside the mine or on the surface of the mine. As we have already seen, the evidence adduced for the Management (M. W2) shows, that a very little pushing is required on the part of a trammer since the track is laid in favourable down-gradient, to facilitate easy movement and where-ever it is not possible, the movement is done with the help of electrical powered haulers and ropes. The tubs will be pushed up to the tramming point by the Coal-fillers. Probably this is why, the workers did not choose to adduce any evidence in this regard. Therefore I am of the view, that since the pushing by the trammers inside the mine is very negligible, it cannot be said, that there is any worth-mentioning increase of workload due to the enhancement of the capacity of the tubs. With regard to the number of trammers working on the surface and the extent of the manual energy required for pushing, if any, on the surface, there is absolutely no evidence. The Management conceded, that it is negligible increase of workload. In the light of this evidence, I find, that there is practically no increase of workload due to the increase of the tub capacity for the purpose of re-railing of the derailed tubs or pushing the tubs etc.

11. The evidence of M.Ws. 1 to 4 is to the effect, that due to increase of tub capacity, there is in fact lessening of the work-load. I think that this reasoning is fallacious. The evidence of M.Ws. 3 and 4 is : that when there is a specified quantity of coal to be moved, the number of tubs required for that purpose will be lessened if the tub capacity is increased, and consequently, the number of tubs to be handled by the trammers is also lessened. In this reasoning, the fact, that the trammers or time rated workers is purposely or by inadvertance ignored by these witnesses. This reasoning may be convincing if the trammers are piece-rated workers if they are paid wages at a specified rate depending upon the number of tubs handled by them. Admittedly, the trammers are only time rated workers unlike the Coal Fillers who are piece rated workers. When they are time-rated workers, when the tub capacity is increased, the number of tubs that can be handled by them in a given time, will remain the same irrespective of the tube capacity, but the work turned out when measured in terms of the quantity of the coal moved will be increased. Therefore, I cannot accept the reasoning of M.Ws. 1 to 4 that by enhancing the tube capacity, the workload is lessened.

12. It is not the case of the workmen, that the workload of the job of C.P.C.S. will be increased due to the increase of the tub capacity, nor adduced any evidence in that regard. As I stated earlier, even with regard to the job of C.P.C.S. the workmen has to turn out the same quantity of work irrespective of the increase of the tub capacity by handling the same number of tubs. Therefore, with regard to the job of C.P.C.S. there will be absolutely no increase of workload.

13. We have already seen, that the trammers are placed in Category III as per the Central Wage Board for Coal Industry. Since the trammers working in this Company are also doing the other job of C.P.C.S., they were given higher category. In view of my above discussion, there is absolutely no increase of

workload with regard to the job of C.P.C.S. and there is only some negligible increase of workload with regard to the job of trammer due to increase of the tub capacity. It has to be further seen whether for this reason alone, the trammers can be placed in a higher grade i.e. in Grade V. As per Ex. M3 the Central Coal Fields, Talcher, are operating tubs of the capacity of 40.5 Cft. and 56.25 Cft. and mine cars of 115 Cft. The Mine Cars are handled by underground locomotives. All the Trammers who handled those tubs are time-rated workers, and the wages are being paid as per Category III. As per Ex. M4, the Trammers in Deulbera Colliery who are operating the tubs of 56.25 Cft. are also paid wages as per Category III and no extra wages are paid for pushing 56.25 Cft. coal tubs. Since the wages of the workers working in Collieries are being revised and fixed by the various N.C.W.As. and the Coal Wage Boards, the workers working in Singareni Collieries Company Limited cannot claim a special privilege and treatment for handling the same size of tubs. Therefore I am of the view, that the trammers who are working in Singareni Collieries cannot claim higher wages than what they are drawing, simply because the tub capacity is increased from 45 Cft. to 56.25 Cft., in the year 1976. In view of my above discussion, I find, that there is no appreciable increase of the workload of the job of trammers, and that there is absolutely no increase of workload in the job of P.C.S. consequent upon the introduction of larger tubs. and that therefore, there is no justification for upgrading the trammers from Category IV to V and this point is answered accordingly.

14. Point (2).—It is contended for the workmen : that due to the increase of the tub capacity, wages of coal-fillers were increased and that therefore, they are also entitled for increase of wages which can be done by placing them in higher category. The job of Coal Fillers is essentially a piece rated work and they are only piece rated workers depending upon the work turned out. If a larger tub is made available they have to fill larger quantity of coal involving extra labour and strain. Therefore, the piece rated workers are entitled for enhanced wages, but the same privilege cannot be claimed by time rated workers. Therefore these workmen cannot compare themselves with the piece rated workers. It is contended for the Management; that there are continuously heavy losses for the industry since several years; and that the consequent expenditure if the Trammers are placed in Category V will be too high which is beyond the capacity of the Management. M.W1 is the Deputy Chief Personnel Officer and he deposed, that there are 4,700 Trammers working in their Company and that therefore if they are placed in Category V, the consequent increase of expenditure will be by about Rs. 37 lakhs per year. Ex. M12 to Ex. M15 are the Annual Reports and the Accounts for the years 1978 to 1982 and Ex. M16 is the chart showing the profits and losses of the organisation for the years 1978-79 to 1983-84. These documents will show, that this Company is sustaining heavy losses in all the years except in the year 1981-82 the losses ranging from Rs. 1677.95 lakhs to Rs. 5214.73 lakhs, per year. I am of the view, that the incapacity to pay higher wages is not a ground to deny fair wages to workers, if the workers are otherwise entitled to and

justified. But in any way, this is not a matter with regard to any fair wages. We are now only concerned, as to whether the Trammers are entitled to be placed in higher category, since the tub capacity was increased from 45 Cft. to 56.52 Cft. In the circumstances I find, that it is not a fit case to upgrade the category of Trammers in the circumstances of the case and this point is answered accordingly.

15. Point (3).—In the result, an Award is hereby passed to the effect, that the Management of Singareni Collieries Company Limited, Kothagudem Collieries, Khammam District is justified in not allowing category V to Trammers in view of the enhanced workload of trammers consequent upon introduction of 56.25 Cft. tubs in the place of 45 Cft. tubs in the year 1976 and that therefore the Trammers are not entitled to any relief.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 14th day of March, 1990.

D. RAMALINGA SWAMY, Industrial Tribunal.
[No. L-22014/105/82-D.III. B/IR(C. II)]
R. K. GUPTA, Desk Officer.

Appendix of Evidence

Witnesses Examined

for the Workmen :

W.W. 1 J. Narayana

W.W. 2 E. Kistaiah

W.W. 3 B. Rama Murthy

Witnesses Examined

for the Management :

M.W.1 V. Gopala Sastry

M.W.2 B. Mukunda Reddy

M.W.3 K. Ranga Swamy

M.W.4 G. Ranganayakulu,

Documents marked for the Workmen

Ex.W1 Photostat copy of the Arbitration Award dt. 11-2-1974 given by Sri K. V. Raghunatha Reddy the Union Labour Minister in the dispute between the Management of Singareni Collieries Company Limited and their workmen.

Ex. W2 Identity Card pertaining to Kandy Balaiah, Trammer.

Documents marked for the Management

Ex.M1 Photostat copy of the Report of the Central Wage Board for the coal Mining Industry, Volume II appendices.

Ex.M2 Copy of the Arbitration Award dt. 11-2-74 given by Sri K. V. Raghunatha Reddy, the then Union Labour Minister in the Dispute between the Management of S.C. Co. Ltd., and their workmen.

Ex.M3 Letter dt. 22/23-5-84 addressed by Personnel Manager(O) Talcher, Central Coal Fields Limited with regard to Big Size Coal tubs in circulation in Talcher coal fields in Orissa.

Ex.M4 Letter dt. 16/17-8-1984 addressed by Personnel Manager(O) Talcher, Orissa, to

the Dy. Chief Personnel Manager, Division No. I CCL, Ranchi and copy to the Chief Personnel Officer, S.C. Co. Ltd., Regd. Office Kothagudem Collieries with regard to Big Sizes Coal tubs in circulation in Talcher Coal fields, Orissa Region.

Ex.M5 Photostat copy of the Strike notice dt. 26-11-80 issued by the General Secretary, S.C. Workers Union to the General Manager(C), S.C. Company Limited, Kothagudem Collieries.

Ex.M6 True Copy of the Settlement arrived at under Section 12(3) of the Industrial Disputes Act, 1947 between the Management of S.C. Co. Ltd., and their workmen represented by (1) S.C. Workers' Union, (2) Tandur Coal Mines Labour Union, (3) S.C. Employees Union and (4) A. P. Colliery Mazdoor Sangh on 29-1-81 at Hyderabad.

Ex. M7 62nd Annual Report and accounts for 1982-83 of S.C. Co. Ltd.,

Ex.M8 63rd Annual Report and accounts for 1983-84 of S.C. Co. Ltd.,

Ex.M9 National Coal Wage Agreement.

Ex.M10 Joint Bipartite Committee for the coal Industry and National Coal Wage Agreement-II.

Ex.11 National Coal Wage Agreement-III.

Ex.12 58th Annual Report and Accounts for 1978-79.

Ex.M13 59th Annual Report and Accounts for 1979-80.

Ex.14 60th Annual Report and Accounts for 1980-81.

Ex.M15 61st Annual Report and Accounts for 1981-82.

Ex. M16 Profit/Loss figures extracted from Annual Report and accounts of the company.

Ex.M17 Letter dt. 9-7-75 addressed by A.I.E. Kothagudem to C.I.E. with regard to standards for tramming of 45Cft. tubs and 56.25 Cft. tubs.

Ex. M17(A) Standard for tramming 45 Cft. tubs.

Ex.M17(B) Standards for tramming 56.25 Cft. tubs.

Ex.M18 Photostat copy of the letter dt. 9-7-75 addressed by A.I.E. Kothagudem to C.I.E. with regard to standards for Tramming of 45 Cft. tubs and 56.25 Cft. tubs.

Ex.M18(A) Photostat copy of Standard for Tramming 45 Cft. tubs

Ex.M18(B) Photostat copy of standards for Tramming 56.25 Cft. tubs.

Ex.M19 Comparative statement showing the number of Tonnes of coal handled from a District by Trammers in June 1975 (Before

introducing 56.25 Cft. tubs) and at present (in Jan. 1986).

D. RAMALINGA, SWAMY, Industrial Tribunal

नई दिल्ली, 18 अप्रैल, 1990

का.आ. 1297:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एंड सिंध बैंक के प्रबन्धतंत्र में सम्बद्ध नियोजकों और उनके कामकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 11-4-1990 को प्राप्त हुआ था ।

New Delhi, the 18th April, 1990

S.O. 1297.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Punjab & Sindh Bank and their workmen, which was received by the Central Government on 11-4-90.

ANNEXURE

BEFORE SHRI ARJUN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, KANPUR INDUSTRIAL DISPUTE NO. 104/89

In the matter of dispute between :

S/Shri Prem Prakash, & Rakesh Pal
C/o Sh. V. N. Sekhari
26/104 Birhana Road, Kanpur.

AND

The Regional Manager
Punjab & Sind Bank
Lalbagh, Lucknow

AWARD

1. The Central Government, Ministry of Labour vide its Notification no. L-12012/490/99-D-2(A) dated 28-4-89, has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Punjab & Sind Bank in terminating the services of S/Shri Prem Prakash and Rakesh Pal and not considering them for further employment while recruiting fresh and under Sec. 25H of the I.D. Act is justified? If not to what relief are the concerned workmen entitled?"

2. On 27-3-90, the case was fixed for filing of the affidavit evidence on behalf of the workmen. Neither the workmen were present nor their authorised representative. No application for adjournment was filed. Prior to 27-3-90 an opportunity was given to the workmen for filing of the affidavit evi-

dence on 22-2-90, but despite that the workmen failed in filing of their evidence. As such it seems that they are not interested in prosecuting the case.

3. In the circumstances of the case, a no claim award is given against the workmen.

ARJUN DEV, Presiding Officer

[No. L-12012/490/80-D.II(A)]

का.आ. 1298:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कामकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-90 को प्राप्त हुआ था ।

S.O. 1298.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Canara Bank and their workmen, which was received by the Central Government on 11-4-90.

ANNEXURE

BEFORE SHRI ARJUN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No 146 of 1988

The State Secretary
Canara Bank Employees Union
Loha Mandi, Agra.

AND

The General Manager
Canara Bank
Marshal House
Parliament Street
New Delhi

AWARD

1. The Central Government Ministry of Labour vide its Notification No. L-12012/240/88-D.2(A) dated 2nd November, 1988 has referred the following dispute for adjudication to this Tribunal :

"Whether the Dy. General Manager, Canara Bank, Delhi was justified in imposing the penalty of stoppage of two increments for a period of 2 years with cumulative effect to Shri R. C. Gupta, clerk? If not to what relief is the workman concerned entitled?"

2. The instant case was fixed for filing of affidavit evidence on behalf of the workman on 27-3-90. Sardar Amreek Singh was present on behalf of the management but none was present on behalf of the workmen to press his case. Neither the workman nor his Union has filed the affidavit

evidence in the case. On 5-9-89 after filing the rejoinder the workman absented himself on several dates fixed in the case for filing of affidavit evi-
dence i.e. 26-2-90 and 27-3-90.

3. Thus in the circumstances of the case it appears that neither the union nor the workman himself is interested in prosecuting the case. As such a no claim award is given against the union workman.

4. Reference is answered accordingly.

Dt. 27-3-1990.

ARJAN DEV, Presiding Officer

[No. L-12012/240/88-D. II(A)]

नई दिल्ली, 25 अप्रैल, 1990

का.आ. 1299:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंध मंत्र के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-90 को प्राप्त हुआ था।

New Delhi, the 25th April, 1990

S.O. 1299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on 11-4-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR-COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 91 of 1989

In the matter of dispute between :

Shri D. P. Mehrotra C/o Shri O. P. Nigam, 295/387
Deen Dayal Road, Ashrafabad, Lucknow.

AND

The Regional Manager, Central Bank of India, Hazaratganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/901/88-D.II (A) dated 13-4-89 has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of Central Bank of India in dismissing from service Shri D. P. Mehrotra is justified? If not, to what relief is the workman entitled?

2. The admitted facts are that on 13-8-84, Shri D. P. Mehrotra was posted as Assistant Cashier in Hazratganj Branch Lucknow of the Bank. That day he was on duty in the Cash Cabin alongwith chief cashier Shri B. K. Sharma. It was on that day that it was reported that a sum of Rs. 1,00,000 was missing from the said cash cabin. In respect of the incident FIR was lodged at police station and Shri Mehrotra was suspended on 25-8-84 vide memo copy No. M-1 while he was posted as Assistant Cashier cum-Godown Keeper at Vivekanand Polyclinic Branch Lucknow.

He was served with chargesheet dt. 19-8-85 copy Ext. M-2 which reads as under :

On 13-8-84, Shri D. P. Mehrotra, was on duty in the Cash Section of Hazaratganj Branch. At about 12.45 p.m. it was found that a sum of Rupees One Lakh was missing from the cash cabin which was in the joint custody of Mr. B. K. Sharma, Chief Cashier and Shri D. P. Mehrotra and the Bank was put to a pecuniary loss of Rupees One Lakh (Rs. 1,00,000). Thus proper safeguard of the cash was not taken by him which was in his joint custody with Shri B. K. Sharma, Chief Cashier. Further he acted negligently and dishonestly and, thus, put the Bank's interest in jeopardy.

The enquiry was held by Shri A. P. Arora, Dy. Chief Officer Zonal Office Lucknow, who was appointed Enquiry Officer. At the enquiry the Bank led both oral and documentary evidence. The oral evidence consisted of the statements of Shri K. Krithivasan, the then Branch Manager Hazaratganj Branch and Sh. K. Sharma, the then Chief Cashier. On the other hand the workman in defence, produced no witness. He even did not examine himself. From his side reliance was placed simply on a few documents. After going through the evidence, the enquiry officer found the charge of negligence as proved against Shri Mehrotra. The finding was confirmed by the Disciplinary Authority (Regional Manager) who thereupon awarded him the punishment of dismissal from service. Shri Mehrotra went in appeal before the Zonal Manager, but his appeal too was dismissed.

3. Shri Mehrotra has set up the case that the management did not make any proper investigation through any independent witness/agency like CBI, specially when both the Chief Cashier and he himself were not taking the responsibility for the loss of money. According to him even the charge sheet was not proper. It was vague. Further at the inquiry the enquiry officer over ruled the preliminary objections raised on his behalf by his defence representative without sufficient cause. Not only that, the bank did not examine all the witness cited by the presenting officer on behalf of the Bank. He alleges that the finding given by the E.O. is perverse and is not based on legal evidence. In fact here was no direct evidence to prove the charge against him. The Disciplinary Authority while accepting the findings given by the E.O. did not pass a speaking order. In any case, the punishment awarded to him by the Disciplinary Authority was unduly harsh. As regards the appellate authority he alleges that it did not dispose off the appeal within time specified. It took more than a year to dispose off it. He has further alleged that the management has been unduly harassing him by not paying him all his retirement dues. The management have paid the P.F. to him after deducting a sum of Rs. 50,000 which action of the management is illegal. He has, therefore, prayed that after exonerating him from the charge levelled against him he be reinstated in service with the retrospective effect and with full back wages.

4. The management in their written statement have refuted all the allegations which have been made by Shri Mehrotra to assail the order of punishment. According to the management the inquiry was conducted in accordance with the principles of Natural Justice ; that the charge-sheet served on Shri Mehrotra was not vague; that the finding given by the Enquiry Officer is not perverse; and that the punishment awarded cannot be called as harsh. The management further plead that the delay which took place in the disposal of the appeal filed by Shri Mehrotra against the order of punishment passed by the Disciplinary Authority was not deliberate. Shri Mehrotra was given a personal hearing by the Appellate Authority. It has to be kept in mind that the Appellate Authority is the Zonal Manager who controls a number of branches and is thus burdened with multifarious activities. In fact the Zonal Manager who afforded a personal hearing to Shri Mehrotra, suffered heart attack twice as a result of which he remained on long leave. At the time of second heart attack, the Zonal Manager died. The result was that his successor preferred to give Shri Mehrotra a fresh hearing when he fixed 14-11-87, for personal hearing. Due to unforeseen circumstances the date was changed to 30-11-87. It was only on 18-11-87

that Shri Mehrotra decided not to participate in the hearing. As regards deduction of Rs. 50,000 from the retirement dues of Shri Mehrotra, the management plead that their action cannot be said unjustified. The amounts so deducted represented 50 per cent of the loss caused to the bank by the negligence of Shri Mehrotra.

5. In support of his case, Shri Mehrotra has examined himself and in support of their case, the management examined Shri S. K. Jain, Regional Manager, Lucknow, and produced certain documents. I may state here that instead of arguing the case both sides have filed written arguments.

6. Ext. M-2 is the copy of chargesheet. The charge has been reproduced by me while referring to the admitted facts of the case. On going through the charge it cannot be said that it is vague. All the essential details are found given in it. Therefore, I find no force in the contention of the workman that the chargesheet is vague.

7. On 24-3-86, the defence representative during the course of domestic inquiry raised certain preliminary objections. The objections were effectively met by the presenting officer on behalf of the bank. On 11-4-86, the next date fixed in the inquiry. To meet some of the objections, the presenting officer also filed certain documents, and furnished certain information. I have gone through the proceedings dated 24-3-86, 11-4-86, and 12-4-86 and find that the preliminary objections raised by the defence representative were properly disposed off by the inquiry officer. The insistence of the defence representative on the points that the workman be told when decision was taken by the management to initiate disciplinary proceeding against the workman and his insistence for furnishing of investigation report of the police, in my opinion, carry no meaning. Once the workman was served with the chargesheet it will be sufficient to infer that the management had taken a decision to initiate disciplinary proceeding against the workman. For the purposes of holding inquiry the time when such decision was taken is not very much relevant. The investigation report to which reference was made was with regard to the police investigation. The defence representative should have known that in criminal proceeding, the case diary in which investigations made by the investigating officer are recorded from time to time is a confidential document. Moreover, the management could not be in possession of it nor could to lay hand on it. Their insistence for furnishing of investigation report was not proper.

8. From the proceedings of inquiry dated 6-3-86, it appears that the Presenting Officer gave a list of 5 witnesses out of which as will appear from further inquiry proceeding only two were examined by him. It does not lie in the mouth of the defence representative to say that all of them should have been examined by the Presenting Officer. It was for the Presenting Officer to see as to how many out of them should be examined to prove the charge. If for any reason the defence representative was of the view that his witnesses not examined by the Presenting Officer could support the case of the workman he could have summoned them in defence. But this was not done by him. The workman did not appeared as a witness in defence and when the inquiry officer wanted to seek certain clarifications from the workman by putting certain questions it was opposed tooth and nail by the defence representative. So this objection that all the witnesses were not examined by the presenting officer on behalf of the bank carries no weight.

9. Next I come to the findings given by the Enquiry Officer. I have gone through the finding recorded by the Enquiry Officer and find that the Enquiry Officer had taken a reasonable view of the evidence on record. I do agree with the submission of the workman's authorised representative that while the finding is based on evidence or is based on conjectures and surmises, the inquiry is vitiated. But it is not so in the present case.

10. The findings given by the E.O. can not be held as perverse. It is true, as has been submitted by Shri Nigam, that there is no direct evidence, but all the same there is sufficient circumstantial evidence to prove the charge against Shri Mehrotra. The E.O. seems to have taken a rational view, on the basis of evidence. He himself has remarked in his findings, copy Ext. M-3, that it is a case of circum-

stantial evidence. It was rightly argued before the E.O. by the presenting officer that the workman had tried to put the blame on the management for not making suitable arrangement for Chief Cashier and Asstt. Chief Cashier to sit and work separately. But it could not be taken note off because of the very fact that till 13-8-84, the workman had not brought any such inadequacy in the arrangement of cash cabin to the notice of any bank official.

11. In fact it is a case where the workman did not dare to come in the witness box during inquiry proceedings and when the enquiry officer wanted some clarifications from him it was strongly objected to by the defence representative.

12. There is no denying the fact that from cash cabin a bundle of notes (total amount Rs. 1 Lakh) was found missing. There is further no denying the fact that in the said cabin on 13-8-84 both the workman and Chief Cashier were working. If any valuable property lost it was for them to have explained the whole thing. In the absence of any reasonable explanation it would be deemed that it had been lost due negligence of both of them. In his cross examination, the workman has admitted that the Chief Cashier was also chargesheeted and as a result of disciplinary proceedings he too was dismissed from service. Thus it is not that the disciplinary proceedings were taken only against him. As earlier observed, both being incharge of the cash, they were rightly prosecuted and in the absence of sufficient explanation it would be presumed that the bank had suffered the loss due to their gross negligence.

13. Hence, I do not find any force in the objection raised by the workman that the finding given by the E.O. was perverse.

14. Another plea raised by the workman is that the disciplinary authority while accepting the findings given by the E.O. did not pass a speaking order. Copy of any such order has not been filed by the workman. Moreover, it is not required of the disciplinary authority to give detailed reasons of the disciplinary authority agrees with the findings of the enquiry officer.

15. Still another plea raised by the workman is that the appellate authority has not disposed off the appeal within the specified time. In the written statement, the management have stated the circumstances resulting in the delay and their witness Shri S. K. Jain, Regional Manager, Lucknow, has corroborated those facts by means of his affidavit. There has been no cross examination of the witness on the facts so corroborated by him. Therefore, the delay has been satisfactorily explained. Moreover, if there is a provision for disposal of appeal within a certain time, such a provision cannot be treated as mandatory. At the most it is an irregularity and nothing beyond that. Therefore, in this plea also, I find no force.

16. Now I come to the question of punishment awarded to the workman. Looking to the amount involved and looking to the fact that loss had taken place due to gross negligence of the workman, an institution like Banking Industry where every thing based on trust and confidence, the punishment awarded cannot be called as excessive or unduly harsh. The punishment of dismissal from service does not call for any interference.

17. In his pleading, the workman has referred to deduction of Rs. 50,000 from his retirement dues. The fact is not disputed by the management. However, I need not discuss the point so raised as it is beyond the scope of reference. Although copy of order has not been filed by either side. It has not been disputed before me that there is no reference in the said order regarding deduction of Rs. 50,000 from the terminal dues of the workman. The workman may therefore, challenge the action of the management, if so, advised in fresh proceedings.

18. Hence, from the above discussion of facts and law I held that the action of the management of Central Bank of India, in dismissing Shri D. P. Mehrotra, from service is justified. Hence he is entitled to no relief.

19. Reference is answered accordingly.

ARJAN DEV. Presiding Officer

[No. L-12012/90/88-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

